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# **HIPAA: Privacy Regulations**

*Addressing HIPAA at Harvard University*

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**HIPAA Colloquium at Harvard University**

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# Agenda

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- Inside Harvard Yard**
- HIPAA's Impact on Harvard**
- Harvard's Approach to HIPAA**
- HIPAA Issues & Operational Concerns**



# Inside Harvard Yard

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- Decentralized Structure**
- HIPAA Coordinators' Role**
- Communication & the Governing Body**
- University-wide Partnerships**



# HIPAA's Impact on Harvard

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- Inventoried PHI on Campus**
- Identified Covered Components**
- Reviewed Non-Covered Components**
- Examined Statutory Exceptions**



# PHI on Campus

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- University Health Services**
- Dental School Dental Clinics**
- Mental Health Services (Schools)**
- Student Athletics**
- Faculty & Staff Assistance Program**
- University Group Health Plan**
- Medical Flexible Spending Account Plan**
- Workers' Compensation**
- Disability Plan**
- Research with Human Subjects**



# Covered Components

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## Health Care Providers

- University Health Services
- Dental School Dental Clinics

## Health Plan

- University Group Health Plan
- Medical Flexible Spending Account Plan

## Health Care Clearinghouse

- None



# Non-Covered Components

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## **Mental Health Services**

- Student Services: Records Protected by FERPA

## **Student Athletics**

- Student Services: Records Protected by FERPA

## **Faculty & Staff Assistance**

- Referral Service, No Records, No Billing

## **Workers' Compensation**

- Self-Insured, Self-Managed: State Preemption

## **Disability Programs**

- Self-Insured, Self-Managed: State Preemption

## **Research with Human Subjects**

- IRB Approval Process



# Bifurcated Approach: Health Care

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## ❑ **Constituents**

- University Health Services
- University Group Health Plan
- Dental School Dental Clinics
- Human Resources: Benefits Group

## ❑ **Sponsored Training**

- HIPAA Tutorial: McDermott, Will & Emery

## ❑ **Convened HIPAA Work Group: Multi-Disciplinary**

- Assess Records & Business Practices
- Inventory Vendors & Write Agreements
- Write Notice, Forms & Policies
- Train Clinical & Administrative Staff





# Bifurcated Approach: Research

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## ❑ **Constituents**

- Institutional Review Boards
- Office of Sponsored Research
- Principal Investigators

## ❑ **Sponsored Training**

- HIPAA Workshop: McDermott, Will & Emery
- Case Study Discussion & Analysis

## ❑ **Created HIPAA Research Brochure**

## ❑ **Charged IRB Operations Group**

- IRB Administrators
- Office of Sponsored Research
- Office of General Counsel
- Risk Management & Audit Services



# HIPAA Issues & Operational Concerns

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## □ Hybrid Organization

- Primary Function: Education & Research
- Designate Health Care Components
- Document Designation: Corporate Vote

## □ Privacy Officer

- Each Covered Component will Designate Privacy Officer
- Each Privacy Officer will have Access to Governing Body

## □ Student Services

- FERPA vs. HIPAA
- Transfer Issue: EMTALA
- Consent Issue: Freshman Physicals



# HIPAA Issues & Operational Concerns

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## □ Dental School Dental Clinics:

- Faculty & Teaching Practice
- Dental Students: HIPAA Training?
- Dental Students: Dental Records?
- Dental School Graduates: Board Certification?
- Volunteer Teaching Faculty: How HIPAA Wise?

## □ Research with Human Subjects:

- 3 IRBs: Different Types of Studies & Data Points
- Longitudinal Studies: Study Drop-outs & Aggregated Database?
- PI Status: Covered Entity?
- PI Request: Further Analysis of Data?
- Colleague Request: Comparative Use of Data?



# Closing Comments

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- Look to Trade Associations & Industry Groups**
- Create HIPAA Academic & Medical Networks**
- Collaborate & Establish Community Best Practices**
- Document HIPAA Resources & Expenses**