

HIPAA Summit West II

NCHICA's EarlyView™ Privacy Tool

Canopy Systems, Inc.

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March 13-15, 2002

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President-

Co - *The AM A Field Guid et oH PA AI m l e n e r t a t o n*

eHealth topics

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Graduate of Harvard University, Case-

Chairman and Founder of *Canopy Systems, Inc.*

-based software *Canopy®*—

community-wide case management, utilization management, and disease management programs at a

systems nationwide

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Presentation Topics

- NCHICA and its role in promoting awareness and implementation of HIPAA
 - Mission, non-profit status, accomplishments
- EarlyView™ Security and Privacy Tools
 - Method of development and testing
 - Intended audience and assumptions regarding use
- EarlyView™ Privacy Tool Demo
 - Minimum requirements
 - Software features
 - Flexibility of end-user approaches
 - Ongoing feedback and improvements

Presentation References

- NCHICA Web site

- www.nchica.org click on



HIPAA EarlyView™
software tools

or

- Look for “HIPAA information” and “tools”
 - Select “EarlyView Privacy”

or go directly to:

- <http://www.nchica.org/e-Commerce/Default.htm>

NCHICA

- News
- Who We Are
- Activities
- How to Join
- Links of Interest
- Calendar
- Publications
- Members Only ★
- Contact Us
- Home

Purchase EarlyView

HIPAA EarlyView™ is a trademark of the North Carolina Healthcare Information and Communications Alliance, Inc. (NCHICA) Copyright © 2000, 2001. All rights reserved.



The Health Insurance Portability and Accountability Act (HIPAA) of 1996 establishes national standards for ensuring the security and privacy of identifiable patient information. Healthcare providers, health plans and clearinghouses are required to be in full compliance with the new HIPAA standards or face potential civil and criminal penalties.

NCHICA offers powerful self-evaluation software tools to help you assess your organization's readiness to comply with HIPAA:

- [Purchase HIPAA EarlyView™ software tools now](#)
- [Learn more about HIPAA EarlyView™ Privacy.](#)
- View an [on-line presentation and demo of HIPAA EarlyView™ Privacy](#)
- [Learn more about HIPAA EarlyView™ Security](#)
- [Learn more about the HIPAA regulations.](#)
(Adobe Acrobat® Reader required)
- NCHICA members get the best prices on NCHICA tools. [Learn about NCHICA membership](#)
- Affiliates of EarlyView Sponsor Organizations receive special discounts on HIPAA EarlyView™. [Find out more](#)



What is NCHICA ?

- 501(c)(3) nonprofit research & education
- 200+ members including:
 - Providers
 - Health Plans
 - Clearinghouses
 - Professional Associations and Societies
 - **NCHIMA - Charter Member**
 - Research & Pharmaceutical Organizations
 - Government Agencies - Fed & State
 - Vendors
- **Mission: Implement information technology and secure communications in healthcare**

Some NCHICA Accomplishments

- Over 20 multi-disciplinary focus groups covering HIPAA transactions, privacy, and security
- Publishing of white papers, sample documents, and state pre-emption analyses
- Numerous HIPAA educational activities within North Carolina and nationally
- Involvement in granted research projects
 - PaiRs, a common multi-state immunization registry
 - DeeDs, a standardized public health ER registry
 - HealthKey, a multi-state initiative to research and test public key infrastructure, PKI, in health care
- Development of low cost, high quality tools for compliance with HIPAA security and privacy

NCHICA HIPAA Implementation Planning Task Force

- Goal:
 - Develop overall strategy for addressing HIPAA compliance in an orderly and most efficient manner possible.
- Coordinate Activities of Work Groups:
 - Transactions, Codes & Identifiers
 - Data Security
 - Network Security & Interoperability
 - Privacy
 - Awareness, Education & Training
- Over 300 Participants Involved in Effort

HIPAA Implementation Planning Task Force

Dave Kirby (Duke Univ. Health Sys), Harry Reynolds (BCBS)

Transactions, Codes and Identifiers

Stacey Barber (EDS)
Roger McKinney (Carolinas Health System)
Ken Pervine (Bladen County Hospital)

Awareness, Education and Training

Steve Wagner (NC MGMA)
Katherine McGinnis (Eastern AHEC)
Clyde Hewitt (PhoenixHealth)

Privacy

Jean Foster (Pitt Co Mem. Hosp.)
Judy Beach (Quintiles)

Security

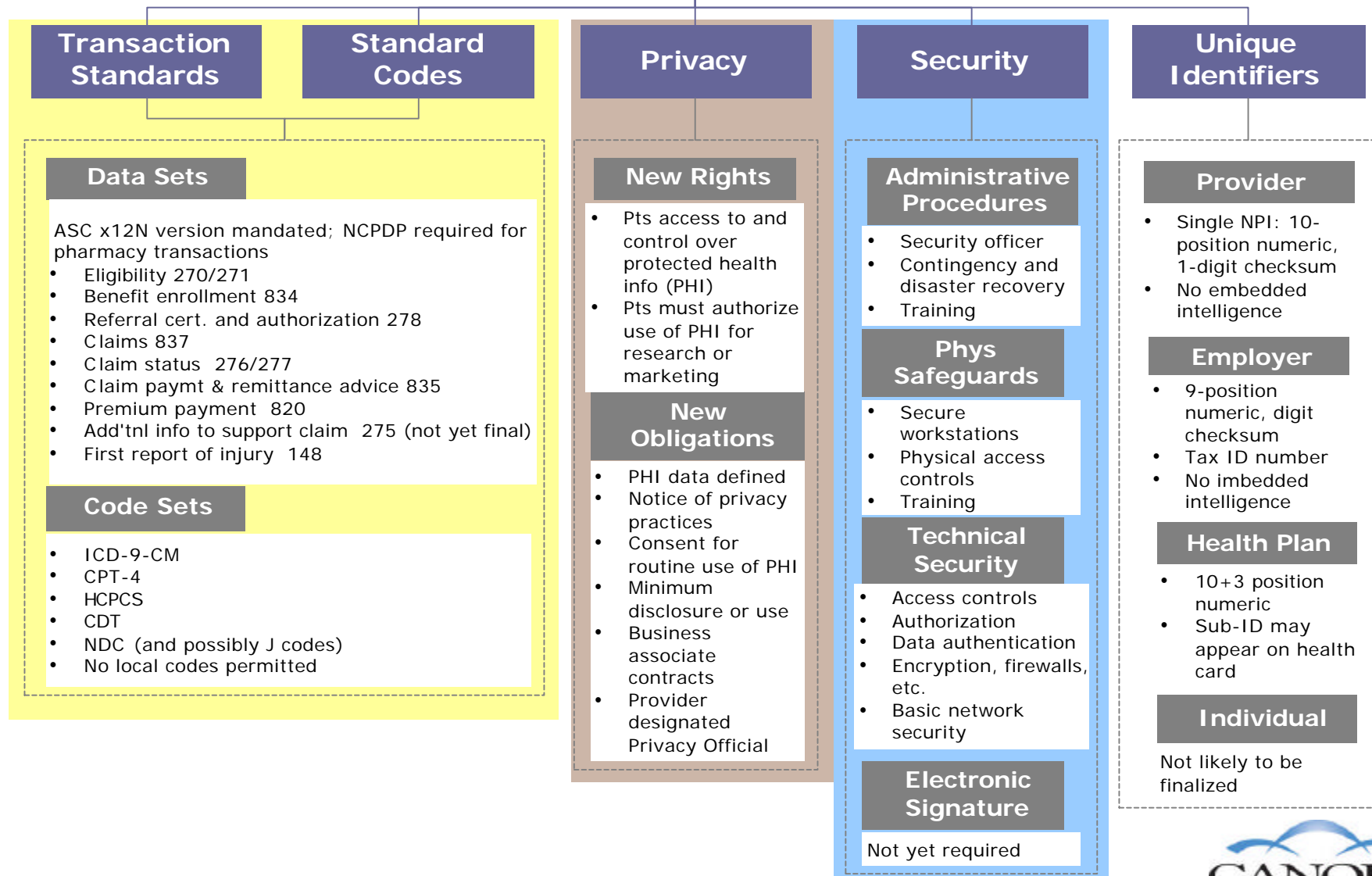
Dave McKelvey (Duke Univ.)
Joe Christopher (Sampson Regional MC)
Harold Frohman (Raytheon)
Rosemary Abell (Keane)

Consent & Patient Rights
Contracts
Minimum Necessary Disclosure
Minors' Issues
Research
State Law

Network Security & Interoperability
Data Security

HIPAA At-A-Glance

HIPAA Administrative Simplification



HIPAA At-A-Glance

Standard Set Name	Date of Final Rule Publication	Deadline for Implementation	Comments
Transaction and Code Set Standards	October 16, 2000	October 16, 2002 (October 16, 2003 with extension. Testing by April 23, 2003)	Extension possible until October, 2003 for all covered entities that submit a plan to HHS by October, 2002, per the Administrative Simplification Compliance Act, December, 2001. Extenders must start testing transactions by April, 2003.
Privacy Standards	Published by HHS December 28, 2000, but effective date is April 14, 2001	April 14, 2003	A Guidance was issued by HHS in July, 2001, and a further Final Rule with clarifications is expected in 2002, second quarter.
Security Standards	HHS has published a proposed rule (NPRM) in May, 1998.	None yet. April 14, 2003 for security provisions included in Privacy Rule.	The Security Final Rule is expected in first or second quarter 2002, and is not expected to change substantially from the proposed form of the rule.
National Identifier Standards	HHS has published a proposed rule (NPRM, 1998) for a National Provider Identifier, and a National Employer Identifier	None yet.	National Health Plan Identifier is under development, and a National Individual Identifier is on hold.

HIPAA Privacy Overview

HIPAA Administrative Simplification

Privacy

Consents and Authorizations

Consents

- Required for PHI use for treatment, payment, or healthcare operations
- Pt may request restriction
- Joint consent allowed
- Requires process

Authorizations

- Authorization separate, required for all other disclosures of PHI not covered by consent (e.g., research, psychotherapy notes)
- May be revoked

Uses and Disclosures

- Duty not to disclose PHI except as permitted
- Required to disclose to the individual
- Un-identification defined
- Business associate contracts required
- Personal reps allowed to view PHI
- Notice of Privacy Practices posted
- Whistleblowers allowed
- Targeted marketing allowed without auth (may change)
- Use of PHI for fundraising permitted
- Uses required by law, public health, oversight, decedents, research, etc.
- Minimum necessary and "need to know" req.

Consumer Controls

Notification

- Details of document
- Frequency, timing, etc.

Communications

- Patients have right to request access to PHI
- May be denied under some circumstances
- Patients have right to amend PHI w/ exceptions
- Fees limited to costs

Process

- Patient has right to accounting of disclosure for 6 yrs prior to request with exceptions
- Procedures required!

Administration and Security

Administration

- Privacy Official required
- Training on privacy
- Complaints
- Employee sanctions
- Policies and procedures implemented and specific to org. size

Security

- Admin, physical, and technical safeguards to protect PHI
- Implementation guide reasonable, appropriate
- Security regs will give details (expected late 2001)

Definition - Privacy

- **Privacy** is the patient's right over the use and disclosure of his or her own personal health information. Privacy includes the right to determine when, how and to what extent personal information is shared with others. The HIPAA privacy rules grant new rights to patients to gain access to and control the use and disclosure of their personal health information.

Definition - PHI

- **Protected health information (PHI)** is the HIPAA term for health information in any form (i.e., paper, electronic or verbal) that *personally identifies* a patient. This includes individually identifiable health information in paper records that have never been electronically stored or transmitted. It does not include data that have been "dis-identified" by removal of identifying information, such as name, address, ZIP code, etc.

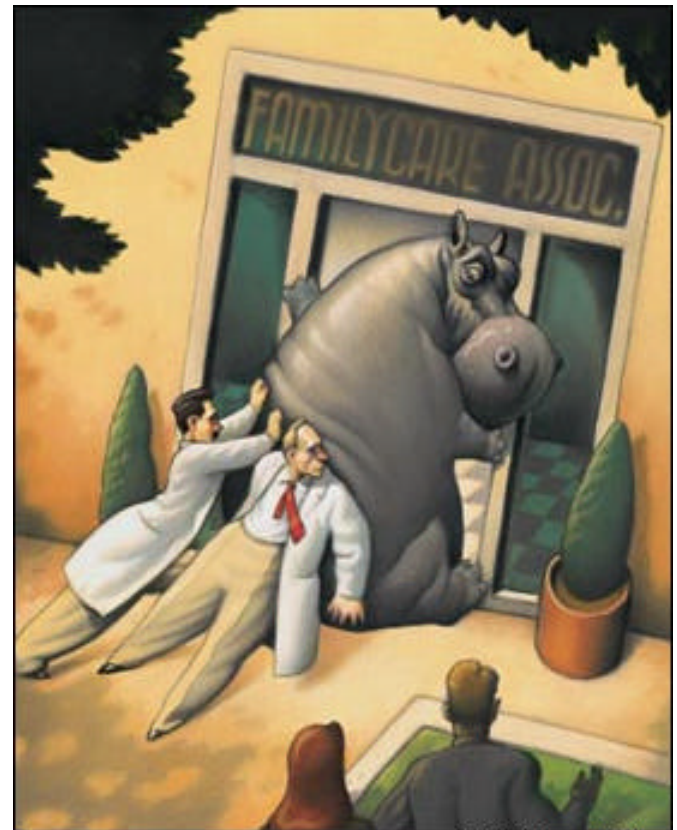
New Patient Rights

- To control the use and disclosure of protected health information
- To request to review and amend personal health information
- To revoke consent or authorization for use of personal health information

- Applies to all forms of health information, including paper
- There are exceptions and qualifications

New Provider Obligations

- To have and use a Notice of Privacy Practices
- To obtain consents and authorizations for use of PHI
- To abide by “minimum necessary” guidelines
- To assure business associates comply with HIPAA
- To put in place adequate security measures, including administrative, physical safeguards, and technical security measures to protect PHI
- To train employees
- To appoint a privacy official



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Steps to Compliance

- Begin Awareness
- Form HIPAA Team
- Initiate Gap Analysis
- Perform Risk Analysis
- Develop Your Compliance Plan, Budget & Timeline
- Execute Plan
- Reevaluate and Adjust Plan

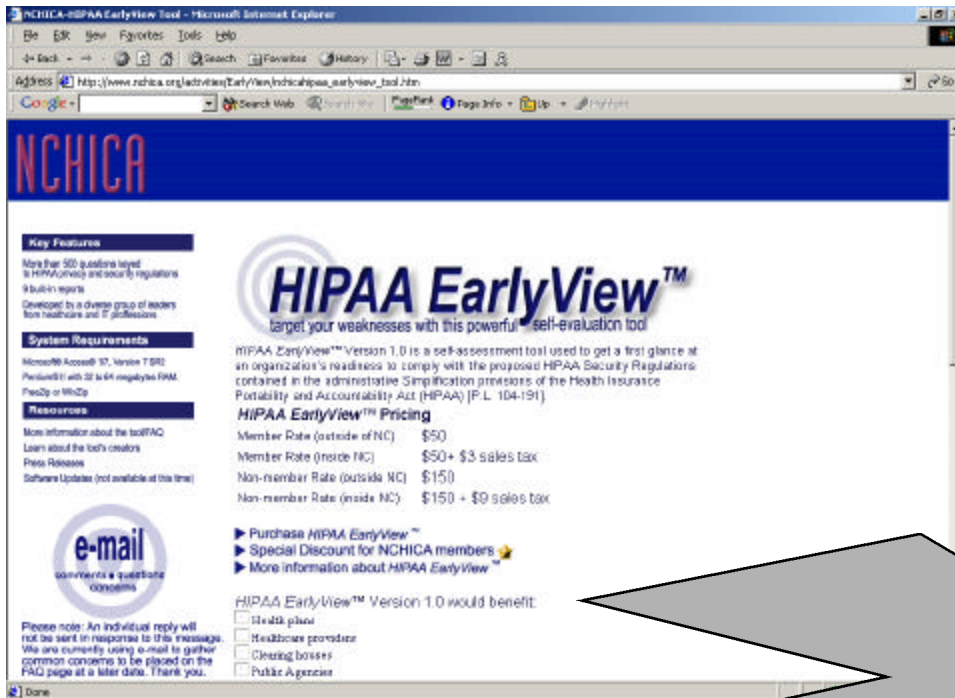


Comes close to being
“HIPAA Privacy Compliance In a Box”
For Medical Practice

www.nchica.org/e-commerce/evinfo.htm

What does HEVp Do?

- *Organizes* your initiative toward compliance with HIPAA privacy rules
- Provides a '*gap analysis*' to show what you need to do to comply
- *Clarifies* the HIPAA privacy regulations
- Provides a program of *action* for HIPAA compliance
- Provides *templates* for key HIPAA compliance documents



Downloadable from
NCHICA web site

Microsoft Access™
Database application
Runs on Windows 95/98/2000



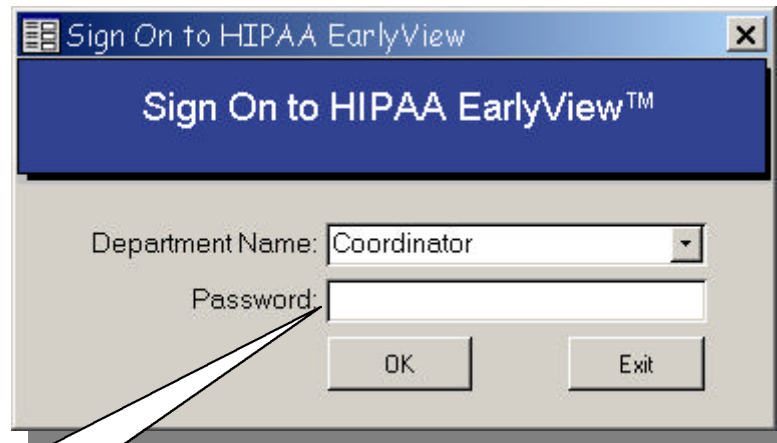
Minimum Requirements

	HIPAA EarlyView™ Version		
	Access 2000	Access '97	RunTime
<i>Disk Space</i>	3.5 MB	3.0 MB	43 MB
<i>MS-Access</i>	2000, 2002, XP	'97	None
<i>Hardware</i>	Pentium II, 32 MB memory		
<i>Op. System</i>	Windows 98, 2000	Windows 98	Windows 95
<i>Internet</i>	High speed internet connection recommended		
<i>MS-Word</i>	2000, 2002, XP	'97	'95

Tour of
HIPAA EarlyView™
Privacy

Login

The Coordinator can configure HEVp for multiple users & departments. Initially, the Coordinator is the only user.



Sign On to HIPAA EarlyView

Sign On to HIPAA EarlyView™

Department Name: Coordinator

Password:

OK Exit

The Coordinator password is initially blank

Main Menu

Provides access to all HEV features

Help is available for most functions.

The screenshot shows a web application window titled "Main Menu". The main header area is dark blue with the text "HIPAA EarlyView™ Privacy" in white. Below the header, there is a section for user identification: "Your Dept or Role:" followed by a text input field containing "Coordinator" and a "Change" button. Below this, there is a list of menu items, each with a small square icon to its left:

- Coordinator Functions**
- Edit Departmental Information**
- Glossary of Privacy Terms**
- Assessment Guide and Work Plan**
- Document Portfolio**
- Choose Report to View or Print**

At the bottom of the window, there is a footer with the following text: "Copyright© 2000, 2001 NCHICA", "www.nchica.org", and "All Rights Reserved".

Assessment Guide and Work Plan

For each requirement: clarification, assessment, action items

The screenshot displays a software window titled "Assessment Guide and Work Plan" with a sub-header "Privacy Rule Self Assessment". The main content area is divided into sections. The "Operational" section shows a "Requirement" titled "Uses or Disclosures of PHI for Marketing and Fundraising" with the text: "Providers may use limited patient information (demographics and dates of service), without authorization, for marketing and fund raising activities." To the right of this text are buttons for "Clarify", "Show Rule", "Advice", "Work Plan", and "Progress". Below the requirement is "Question 10: Do you know what patient information may be used for fund raising activities and marketing purposes?". At the bottom, there is a "Your answer:" field with a dropdown menu currently set to "Not Answered". The footer contains "Copyright© 2000, 2001 NCHICA", "www.nchica.org", and "All Rights Reserved". A status bar at the very bottom indicates "1 of 43 (Filtered)".

Requirement

Assessment question

Response to question

Requirement Clarification

Provides expanded discussion of each requirement



Clarification

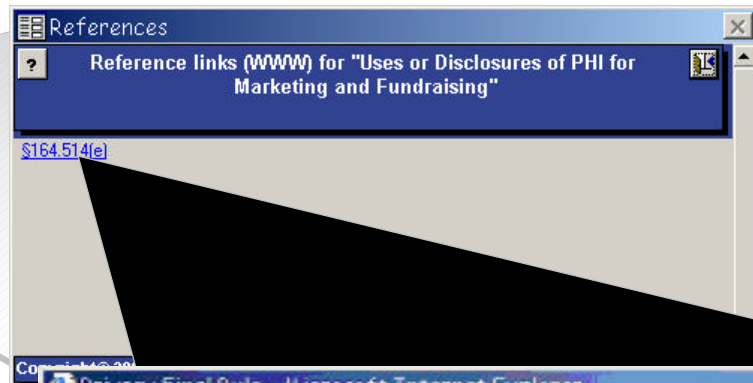
Uses or Disclosures of PHI for Marketing and Fundraising

Except for general communications (i.e., newsletters), disclosures for marketing and fund raising must notify individuals on how their name may be removed from receiving future solicitations.

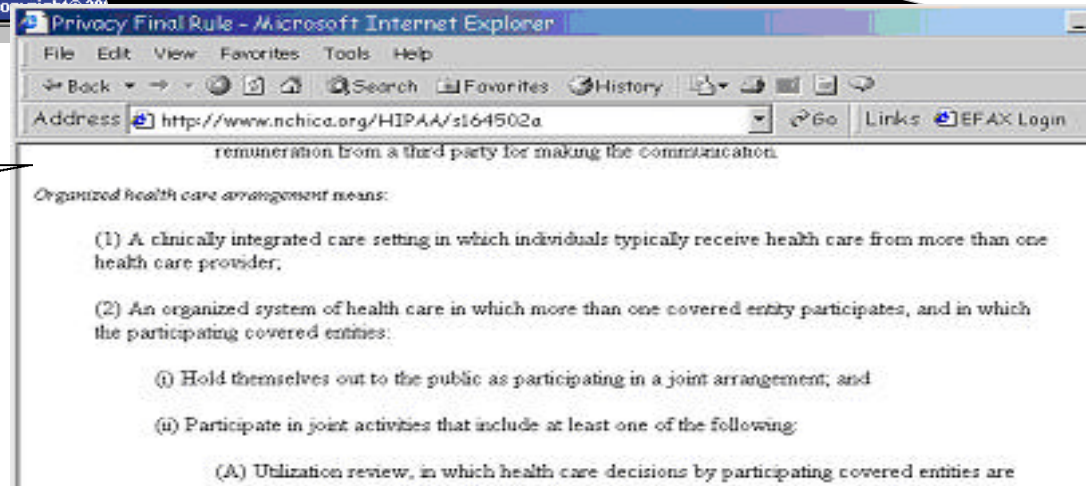
OK

Rule Text

Shows actual text of the Privacy rule for each requirement



Rule text linked from NCHICA's web site



Best Practices Advice

Provides advice from industry experts on how to comply with a requirement



Best Practice

Uses or Disclosures of PHI for Marketing and Fundraising

Inform individuals of the right to opt-out of marketing and fund raising communications as part of patient registration by including a statement of choice.

Include the organization's marketing and fund raising policy in the Notice of Privacy Practices. Identify marketing practices pertaining to face-to-face encounters and products with nominal value.

Review Health Information System to determine if patient records can be flagged for individuals that opt-out of marketing and fundraising communications.

OK

Work Plan

Each requirement has a set of action items for compliance.



Expanded description of suggested action

Documents required for compliance

A screenshot of the 'Recommended Actions' section in the Privacy Rule Self Assessment tool. The section title is 'Action Items for "Uses or Disclosures of PHI for Marketing and Fundraising"'. It contains two rows of action items, each with an 'Explain' button and a 'Documents' button. The first row is 'Develop a Notice of Privacy Practices for the Medical Practice' with a 'Completed' checkbox. The second row is 'Develop and implement a training program for all employees' with a 'Completed' checkbox. At the bottom, there is a footer with 'Copyright© 2000, 2001 NCHICA', 'www.nchica.org', and 'All Rights Reserved'. A record navigation bar shows 'Record: 1 of 2 (Filtered)'.

Action Item	Explain	Documents	Completed
Develop a Notice of Privacy Practices for the Medical Practice	Explain	Documents	<input type="checkbox"/>
Develop and implement a training program for all employees	Explain	Documents	<input type="checkbox"/>

Compliance Documents

Actions frequently require preparation of a document.

The screenshot shows a web application window titled "Document Portfolio". The main heading is "Documents Related to 'Develop a Notice of Privacy Practices for the Medical Practice'". Below this is a table with columns for "Name of Document", "Required", and "Available".

Name of Document	Required	Available
Notice of Privacy Practices	Open	Yes <input type="checkbox"/>

A callout bubble points to the "Open" button, containing the text "Link to document or template".

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Document Management

You can create and manage your organization's compliance documents.

The image displays a document management system interface. At the top, three document thumbnails are shown, each with a callout arrow pointing to a larger view of the document. The first document is titled "Privacy Rule Self Assessment". The second is "Action Steps For 'Uses or Disclosures of PHI For Marketing and Fundraising'". The third is "Documents Related to 'Develop a Notice of Privacy Practices for the Medical Practice'".

In the foreground, a dialog box titled "Open Document" is open. It has a blue header with the text "Notice of Privacy Practices" and "Choose Document Source". Below the header, it says "Click one of the following options for opening this document". There are three radio button options:

- Open document from my hard drive or LAN
- ** Get NCHICA's sample document
- ** Browse the NCHICA site

At the bottom of the dialog box, there is a red note: "** An active Internet connection is necessary for these options to work correctly." The footer of the dialog box contains the text: "Copyright© 2000, 2001 NCHICA www.nchica.org All Rights Reserved".

Two callout boxes are present:

- A callout box labeled "Link to local document" points to the first radio button option.
- A callout box labeled "Link to on-line template" points to the second and third radio button options.



Your Computer

Document Portfolio

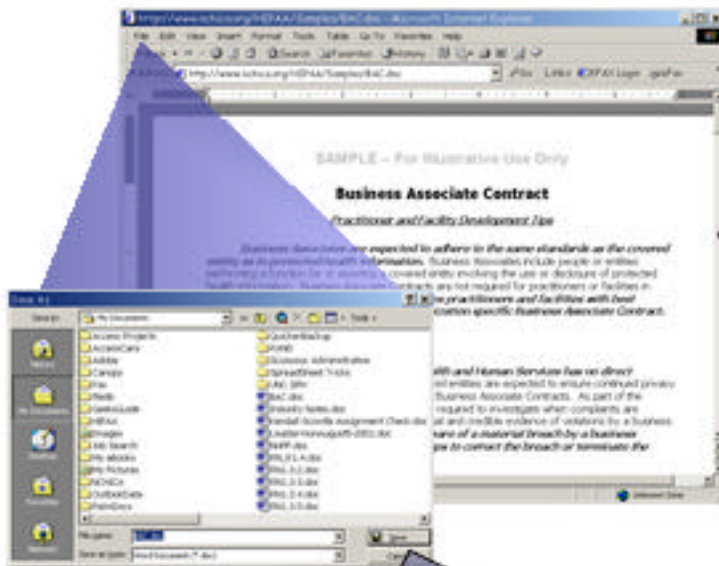


On-Line Templates

Templates on
NCHICA's
Web Site

The Internet

MS-Word



Save As...

Your Disk

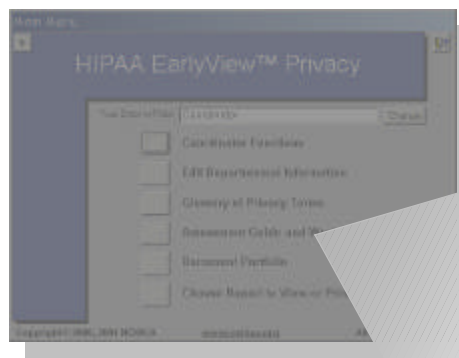


On-line document templates from NCHICA's web site provide a 'jump-start' for preparing your own compliance documents.

Document Portfolio

A single screen to manage all compliance documents

Local copy available

A screenshot of the 'Document Portfolio' application window. The window title is 'Document Portfolio'. Below the title bar is a blue header with a question mark icon and the text 'Document Portfolio'. The main content area contains a table with columns for 'Name of Document', 'Open', 'Required', and 'Available'. The first row is selected, and a callout bubble points to the 'Available' checkbox, which is checked. The footer of the window contains copyright information and a record count of 1 of 13.

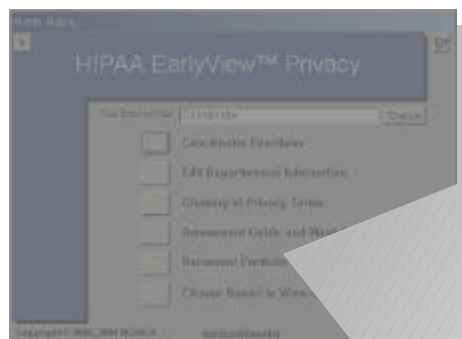
Name of Document	Open	Required	Available
▶ Authorization Form for the Practice to Release Information	Open	Yes	<input checked="" type="checkbox"/>
Authorization Form for the Practice to Request Information	Open	Yes	<input type="checkbox"/>
Business Associate Contract	Open	Yes	<input type="checkbox"/>
Computer and Information Usage Agreement	Open	No	<input type="checkbox"/>
Consent Form for the Practice	Open	Yes	<input type="checkbox"/>
Notice of Privacy Practices	Open	Yes	<input type="checkbox"/>
Policies and Procedures for Patient PHI Requests	Open	Yes	<input type="checkbox"/>
Policies Regarding "Minimum Necessary" PHI Disclosures	Open	Yes	<input type="checkbox"/>

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Record: 1 of 13

Glossary of Terms

A convenient guide to HIPAA terminology



Search for specific terms

A screenshot of the "Glossary of Privacy Terms" application window. The window has a blue header with the title "Glossary of Privacy Terms" and a search bar. Below the search bar are radio buttons for "Find all", "Find any", and "Exact". The main content area is a table with two columns: "Term" and "Definition". The table lists several terms and their definitions. At the bottom of the window, there is a footer with copyright information and the website URL.

Term	Definition
Act (160.103)	[he Social Security Act
ANSI (160.103)	the American National Standards Institute
Authorization (MD Guide)	An authorization is a written document signed by a patient giving permission to a provider to disclose protected health information for purposes other than treatment, payment and health care operations. An
Business Associate (MD Guide)	A person or entity who performs a function for or assists a covered entity or health care arrangement with a function or activity involving the use or disclosure of individually identifiable health information

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Reports

HEVp provides a full range of management reports.

Questions with Any Answer

Report Restricted to Coordinator

Category: **Operational**

Requirement: Privacy rules require consent for disclosure of PHI for treatment, payment and health care operations, and authorization for all other purposes for which written permission is required. These are different from consents for the treatment of a patient.

- 1 Have you made a distinction between consent and authorization documents and added the appropriate language for use and disclosure of PHI?

Coordinator: No

Requirement: Core Elements of an Authorization are: A specific description of the information to be disclosed, the name or other specific identification of the person(s) making the request, expiration date, a statement of the individual's right to revoke, statement that information used or disclosed may be subject to re-disclosure, signature and date, if signed by a representative a description of the authority.

- 3 Does your authorization document contain all the required elements for disclosure of PHI?

Coordinator: No

Requirement: A covered entity must limit use or disclosure of PHI to the minimum necessary to carry out the intended purpose of the request.

Navigation icons: back, forward, search, etc.

Caveats

- To keep cost to a minimum, HEVp is distributed “as is,” without technical or other support.
- Documents and templates are for example only. HEVp does not provide all documents that will be required by the regulations or by state laws.
- Users should consult their legal counsel prior to adoption of any document.
- NCHICA cannot and will not accept any legal liability arising from the use of these tools or associated documents.

Resources

- NCHICA: www.nchica.org
- WEDi/SNIP Web site: snip.wedi.org
- DHHS/HIPAA: aspe.hhs.gov/admnsimp

On the Internet, Nobody Knows You're a Dog



"On the Internet, nobody knows you're a dog."