



HIPAA: Privacy Regulations

Addressing HIPAA at Harvard University

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Agenda

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



Inside Harvard Yard

- Understanding Harvard**
- Designating a HIPAA Team**
- Communicating with the Governing Body**
- Building University-wide Partnerships**



HIPAA Risk Assessment

- Inventoried Protected Health Information on Campus**

- Identified Covered Entities on Campus**

- Reviewed Non-Covered Entities' Use of Protected Health Information**

- Examined Statutory Exceptions**



Protected Health Information On Campus

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



Covered Entities on Campus

Health Care Providers

- University Health Services
- Dental School Dental Clinics

Health Plan

- University Group Health Plan

Health Care Clearinghouse

- None



Non-Covered Entities & HIPAA Analysis

Mental Health Services

- Student Services: Records Protected by FERPA

Student Athletics

- Student Services: Records Protected by FERPA

Faculty & Staff Assistance

- Referral Service, No Records

Flexible Medical Spending Account

- Grievance Board: ERISA

Workers' Compensation & Disability Programs

- Self-Insured, Self-Managed Programs: State Preemption

Research with Human Subjects

- IRB Approval Process



Bifurcated Approach: Health Care

❑ **Constituents**

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

❑ **Sponsored Training**

- HIPAA Tutorial: McDermott, Will & Emery

❑ **Convened HIPAA Work Group**

- Members: Multi-Disciplinary (Clinical & Administrative)
- Assess Practices & Inventory Vendor Relations
- Develop HIPAA Work Plan
- Create Forms & Policies
- Conduct Staff Training



Bifurcated Approach: Research

❑ **Constituents**

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

❑ **Sponsored Training**

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

❑ **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

❑ Hybrid Organization

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

❑ Privacy Officer

- Each Covered Entity 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

❑ Dental School Dental Clinics

- Faculty Practice & Teaching Practice
- Dental School Students: HIPAA Training? Medical Records?
- 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?
- Cooperative Agreements: Whose IRB Reviews?



Closing Comments

- Numerous Challenges Ahead**
- Many Unanswered Questions**
- Look to Associations & Industry Groups**
- Document HIPAA Expenses**