

EMPLOYER HIPAA COMPLIANCE STRATEGIES

HIPAA Summit Audio Conference

**Presented By:
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Boundary Information Group**

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Boundary Information Group

- ◆ Virtual Consortium of Health Care Information Systems Consulting Firms
- ◆ Founded 1995
- ◆ Internet-Based
- ◆ Websites
 - ◆ Company: www.boundary.net
 - ◆ HIPAA Resources: www.HIPAAInfo.net
- ◆ Senior Consultants with Commitment to HIPAA
 - ◆ WEDI member
 - ◆ Industry leadership experience since 1992
- ◆ BIG Consultants have completed more than 50 HIPAA engagements

Workgroup on Electronic Data Interchange (WEDI)



- ◆ Founded 1992
- ◆ Nonprofit Association with 213 Organization Members
 - ◆ Consumers, Government, Mixed Payer/Providers, Payers, Providers, Standards Organizations, Vendors
- ◆ Goal: To Foster Widespread Support for the Adoption of Electronic Commerce Within Health Care
- ◆ Significant Activities
 - ◆ Named in 1996 HIPAA Legislation as an Advisor to the Secretary of DHHS
 - ◆ Initiated SNIP for HIPAA Implementation (5,000 participants)
- ◆ Websites: WEDI – www.wedi.org WEDI SNIP – snip.wedi.org
- ◆ Steven Lazarus, WEDI Chair (2001-2002)

Self Insured employer issues

1. Transactions and Identifiers

- ◆ Health plan must support the transaction standards directly or through TPA or clearinghouse
- ◆ May use enrollment/disenrollment standards as an employer
- ◆ Must use the employer identifier standard if required
- ◆ Delay to October 16, 2003, if an extension is filed or a small health plan

2. Privacy

- ◆ Restrict “employer” access to Protected Health Information (PHI)
- ◆ Document creation/modification includes
 - Plan description
 - Notice of privacy practices
 - Consent and authorization if used
 - Business Associate Agreements
 - Policies and procedures for all applicable privacy standards
- ◆ Privacy compliance training
- ◆ Designation of a Privacy Information Official

Self insured employer issues

3. Security (applies to electronic data)

- ◆ Required in the Privacy Regulation
- ◆ Administrative
- ◆ Physical
- ◆ Technical
- ◆ Designation of a Security Information Official
- ◆ Security Compliance Training
- ◆ Monitor and audit compliance
- ◆ Document creation/modification include
 - Policies and procedures for all applicable security standards
 - Chain of Trust Agreement (may be included in the Business Associate Agreement)

Implementation Process for Employers

- ◆ Plan documents
- ◆ Business Associate Agreements
- ◆ Policies and Procedures for Privacy and Security
- ◆ Consideration of Worker's Compensation, Family Leave, OSHA and Employee Health
- ◆ TPA and internal work flow for transaction support and data management
- ◆ Transaction Extension Filing
- ◆ Project Plan
- ◆ Budget Development
- ◆ Compliance Training
- ◆ General information for supervisors and management
- ◆ Employee communication

Assessment of Need & Filing Administrative Simplification Compliance Act of 2001

	Now – October 16, 2002	October 17, 2002 – October 16, 2003	October 17, 2003 – Future
No Extension Filed	Use current transactions in either standard	Use 2000 Standard	Use 2002 Standard
Extension Filed	Use Current Transactions		Use 2002 Standards

- **2000 Standard is the X12N 4010 Implementation Guides referred to in the August 2000 HIPAA Transactions Regulation and includes use of NDC codes instead of J Codes**
- **2002 Standard refers to the December 2001 X12N 4010 Implementation Guides including the “Addenda” and deletion of the NDC codes which are expected to be published in 2002 as final regulations**
- **The no extension timeline assumes that the new 2002 Transactions Final Rules are published by September 16, 2002**

Model HIPAA Timeline

Task Name	2000		2001		2002		2003		2004		2005	
	H1	H2	H1	H2	H1	H2	H1	H2	H1	H2	H1	
Transactions												
Privacy and Patient Confidentiality												
Security												
Employer Identifier												
Provider Identifier												
Health Plan Identifier												
Claims Electronic Attachments												
Enforcement												

Why is HIPAA Important?

- ◆ Law and compliance
- ◆ Ethics/corporate culture
 - ◆ “Right thing to do”
- ◆ Potential liability
 - ◆ No private right of action under Federal Law
 - ◆ State law
 - ◆ Courts look to HIPAA as standard
- ◆ “Whistle blower”

Senior Management Attention and Budget Dollars

- ◆ Allies
 - ◆ In-house Counsel
 - ◆ Internal and external auditors
 - ◆ Compliance
 - ◆ Risk management
 - ◆ Public relations
- ◆ Subset of health care cost containment
- ◆ Enrollment/disenrollment hassle

Critical Concepts and Definitions

- ◆ Health Plan and Plan Sponsor
- ◆ Fully insured and self-insured
- ◆ Summary health information and Protected Health Information
- ◆ Plan administrative functions
- ◆ Business Associates
- ◆ Critical time line
 - ◆ Extension
 - ◆ Plan documents (e.g., privacy notice)

Potential Problem Areas

- ◆ Disease management
- ◆ Disability programs
- ◆ Worker's compensation
- ◆ Family leave
- ◆ Drug/alcohol abuse in disciplinary actions
- ◆ Nurse employees
- ◆ FSA-MSA defined contribution
- ◆ Stricter State laws

"Sil o" – Limit Access to PHI

- ◆ Who makes decisions regarding the health plan?
- ◆ What information do they need?
- ◆ Plan administrative functions
- ◆ Significance
 - ◆ Limits risk
 - ◆ Limits training
 - ◆ Description in plan documents

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