

HIPAA



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Washington, DC & Boston, Massachusetts

Alan S. Goldberg, JD, LLM

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HIPAA NOTICE

- **“THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.”**

Conditions of Participation



Conditions of Participation

- **Patient has right to personal privacy & confidentiality of personal & clinical records**

Conditions of Participation

- **Patient may approve or refuse release of personal & clinical records to any individual outside facility**

Conditions of Participation

- **Resident right to access all records pertaining to resident including current clinical records within 24 hours (excluding weekends & holidays)**
- **May buy, at cost not to exceed community standard, photocopies of records or any portions of them upon request**

Conditions of Participation

- **Resident has right to be fully informed in language that resident can understand resident's total health status, including resident's medical condition**

Conditions of Participation

- **Privacy includes accommodations, medical treatment, written & telephone communications, personal care, visits, & meetings of family & resident groups, but**
- **Does not require facility to provide a private room for each resident**

Conditions of Participation

- **Resident may approve or refuse release of personal & clinical records to any individual outside facility**

Conditions of Participation

- **But resident's right to refuse release of personal & clinical records does not apply when resident transferred to another health care institution record or release required by law**

Administrative Simplification Compliance Act

- **AN ACT To ensure that covered entities comply with the standards for electronic health care transactions & code sets adopted under part C of title XI of the Social Security Act, & for other purposes**

ASCA

- **Before October 16, 2002, submit to HHS a plan of how covered entity will come into compliance with the data sets requirements not later than October 16, 2003**
- **Plan shall be a summary of:**
- **Analysis reflecting the extent to which, & reasons why, covered entity not in compliance**
- **Budget, schedule, work plan, & implementation strategy for achieving compliance**

ASCA

- **Whether covered entity plans to use/might use contractor or other vendor to assist in achieving compliance**
- **Timeframe for testing that begins not later than April 16, 2003**
- **Plans may be submitted electronically**
- **HHS provided optional form for electronic or paper filing not later than October 15, 2002**

ASCA

- **\$44,200,000 appropriated, for--**
- **Technical assistance, education and outreach, & enforcement activities; &**
- **Adopting the standards required to be adopted under HIPAA**

ASCA

- **A covered entity that fails to submit a timely ASCA plan & that is not in compliance on or after October 16, 2002, may be excluded at the discretion of HHS from participation in the Medicare program**
- **Availability of such exclusion shall not be construed to affect imposition of penalties under section 1176 (civil penalties)**

ASCA

- **Notwithstanding any other provision of law, during the period that begins on April 14, 2003 & ends October 16, 2003, health care provider or health care clearinghouse that transmits any health information in electronic form in connection with a described transaction shall comply with the requirements of subpart E of part 164 of title 45, Code of Federal Regulations, without regard to whether the transmission meets the standards of part 162**

NCVHS Analysis of Plans

- **NCVHS shall regularly publish, & widely disseminate to the public, reports containing effective solutions to compliance problems identified in the plans so analyzed**
- **Such reports shall not relate specifically to any one plan but shall be written for the purpose of assisting the maximum number of persons to come into compliance by addressing the most common or challenging problems encountered by persons submitting such plans**

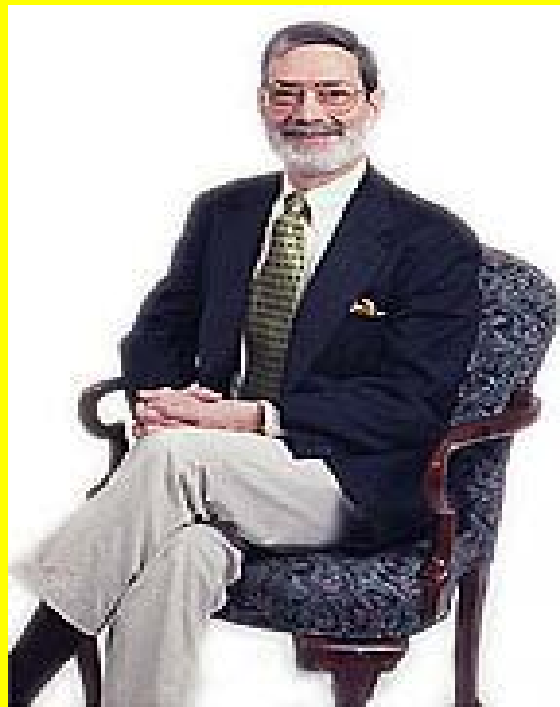
Goldberg Dates HIPAA

- **OCT 14, 2002** - final date for privacy rule business associate gap contract execution
- **OCT 15, 2002** - final date for filing ASCA compliance plan to defer data code sets rule compliance date
- **OCT 16, 2002** - compliance date for data code sets compliance unless ASCA plan timely filed
- **APR 14, 2003** - compliance date for privacy rule
- **APR 16, 2003** - latest date for six month testing period required for ASCA compliance plan
- **OCT 16, 2003** - final data code sets compliance date if ASCA extension obtained (& small health plans compliance date)
- **APR 14, 2004** - final date for execution of privacy rule business associate contract, gap contract no longer effective to provide compliance (& small health plans compliance date)

Why is this man smiling?

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