

Seventh National HIPAA Summit

HIPAA Compliance Case Study:

**HIPAA and Academic Medicine - Lessons
Learned Past, Present and Future**

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Past, Present, and Future

- **BACKGROUND**
 - Two different institutional approaches
 - Two different implementation models
- **LESSONS LEARNED**
- **FUTURE STRATEGIES**

BACKGROUND

- **DIFFERENT COVERED ENTITY SETTINGS**
 - University of Pittsburgh Medical Center
 - University of Louisville
- **DIFFERENT IMPLEMENTATION MODELS**
 - UPMC Model
 - U of L Model

University of Pittsburgh Medical Center

- Single covered entity for Medical Center
- 20 + hospitals
- 2 large physician practices
- Several smaller physician practices
- Home health
- Long term care
- Affiliation with, but separate from the University

University of Louisville

- Hybrid Covered Entity
- School of Medicine
 - Faculty Practices
 - University Contracted Clinics
- School of Dentistry
- School of Nursing

University of Louisville

- Department of Psychology
- Other Miscellaneous Clinical Settings
- Group Health Plan
- Four Hospitals as primary affiliates

Implementation Models

- **UPMC model**
 - Started January 2002
 - Created and filled position of Director of HIPAA program office
 - Created HIPAA workgroups based on segments of the regulation

UPMC Implementation Model

- Drafted singled notice to be used by all business units in the Medical Center
- Drafted system level general policies
- Allowed business units to draft policies and procedures specific to the business unit

UPMC Implementation Model

- Examples of business unit specific policies
 - Distribution of Notice and recording acknowledgement
 - Hospital
 - Physician Offices
 - Accounting for Disclosures
 - Hospital (paper based)
 - Physician Offices (web enabled tracking tool)

UofL Implementation Model

- Started Jan-Feb 2003
- Separate organized efforts in various schools and programs
- Meeting at least minimal requirements by April 14, 2003
- Created the position & hired me as university privacy officer June 2003

UofL Implementation Model

- Different groups based on area of focus
 - Research
 - Physician Practices
 - Affiliated Hospitals
 - Dental School

LESSONS LEARNED

- People tend to think in their own frame of reference
- While late is still better than never – late is problematic
- Central function is often better than decentralized
- Any legal document needs legal review

LESSONS LEARNED

- Customer service is critical
- A little knowledge is dangerous
- Use your PR staff
- Unlike Y2K, we are not done with HIPAA
- No one is perfect

People think in their own frame of reference

Examples:

- The notice
 - Notices drafted with references to specific type of business unit
 - Solutions
 - any reference to hospital was changed to “hospital or facility”
 - Any reference to medical records department was changed to “doctor or place where you received care”

While late is still better than never

– late is problematic

- A late start in preparing for HIPAA is better than no start at all
- Problems with late starts
 - Everything is done in a panic
 - No chance to scrutinize
- Advantage of late start
 - Learn from others

Central function is often better than decentralized

- Centralized function allows for
 - Better controls
 - Consistent answers to questions
 - Obtain economy of scale
- Decreases burden on individual business units
- Must be a coordinated effort

Any legal document needs legal review

- A little thing can make a big difference
- Legal review after wordsmithing
 - A single word can change the meaning
- Notice language
 - Acknowledgment states patient has read notice
 - States patient has the right to amend their PHI
- Business Associate Agreement
 - Indemnification clause that is not legally binding on state entity
- Authorization
 - Does not include the required elements
 - Does not include state law issues

Customer service is critical

- Good customer service can eliminate many issues
 - Patients want to opt out of fundraising
 - Patients do not want their information used or disclosed a certain way
 - Patients think their rights have been violated

A little knowledge is dangerous

- Employees can go overboard on HIPAA
 - To get PHI, promise your first born child
- Individuals mix up various sections of HIPAA
- Educate, Educate, Educate

Use your PR staff

- Notice plain language requirement
- User friendly documents
- Nothing in HIPAA prevents a little PR in your documents

Unlike Y2K, we are not done with HIPAA

- April 14, 2003 has come and gone, so we're done
- TCS remains
- Security remains
- HIPAA's ongoing compliance issues remain

No one is perfect

- Accept the fact that there will be mistakes
- Don't beat yourself up
- Don't beat others up

FUTURE STRATEGIES

- Coordinate with components of HCE for TCS
- Be better prepared for Security
- Continue development of a HIPAA compliance program

QUESTIONS

