

# NCQA



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## **NCQA: HIPAA Business Associate**

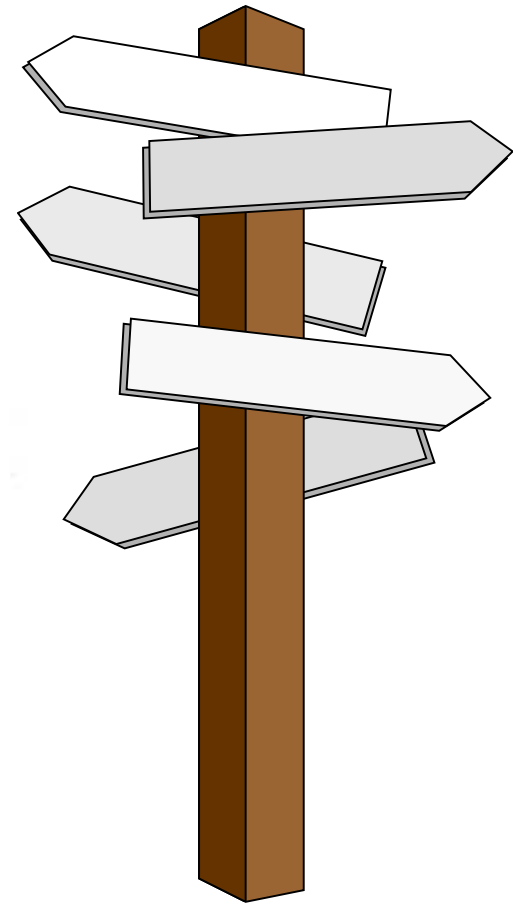
**Presentation to the 6th  
National HIPAA Summit  
March 28, 2003**

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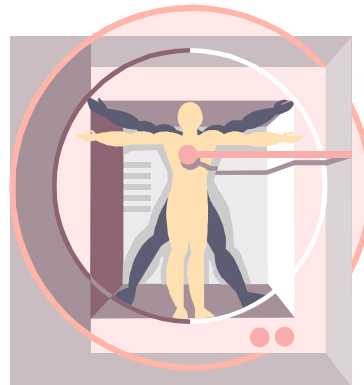
# Framework for Discussion

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- Brief introduction to NCQA
- Impact of HIPAA on NCQA
  - NCQA: Program Standards
  - NCQA: Business Associate & Researcher
  - NCQA: HIPAA Readiness Activities
- Privacy Certification for Business Associates



- Private, non-profit health care quality oversight organization
- Measures and reports on health care quality
- Unites diverse groups around common goal: improving health care quality



# NCQA's Mission and Vision

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Mission: To improve the quality of health care delivered to people everywhere

Vision: To become the most widely trusted source of information driving health care quality improvement



# Achieving the Mission

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- Half the nation's 500 HMOs participate in an NCQA program
- More than 90 percent of health plans report HEDIS
- 67 percent of Fortune 500 companies request or require accreditation
- 25 States and the Federal government rely on NCQA Accreditation and HEDIS

# NCQA: Quality Assessment Systems

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- Two main methodologies used in NCQA's quality assessment activities:
  - Accreditation, Certification & Recognition Programs
  - Data Collection and Analysis
- NCQA Customers:

**Health Plans**

**Health Care Providers**

**Health Care Clearinghouses**

NCQA

# Impact of HIPAA on NCQA: Program Standards

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Alignment of Accreditation Standards with HIPAA, including:

- Removed requirements for organizations to obtain routine consent
- Members must have rights to Access, Amend and Receive an Accounting of Disclosures
- Incorporated protections concerning disclosure of PHI to employers

# Impact of HIPAA on NCQA: Business Associate

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- Accreditation organizations are business associates under HIPAA (HHS HIPAA Q&As - Answer ID 238)
- Quality improvement activities fall under the definition of Health Care Operations (45 CFR 164.501) - patient authorization not required
- Business Associate contract required



# Impact of HIPAA on NCQA: Researcher

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- NCQA quality measures development and data analysis activities considered “Research” under HIPAA (45 CFR 164.501)
- Requires use of Limited Data Set
- Data Use Agreement required



# NCQA HIPAA Readiness: Business Associate Contract

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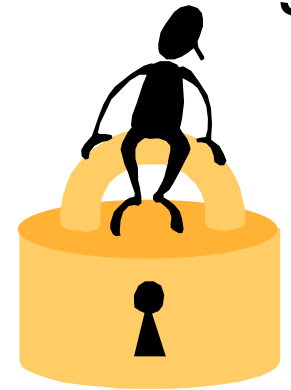
## Business Associate Contract Addendum Addresses:

- Business Associate Contract Provisions Required by the Privacy Regulation
- Data aggregation
- Permission to create a Limited Data Set
- Permission to de-identify PHI
- Data Use Agreement incorporated

# NCQA HIPAA Readiness: Internal Operations

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- Development and implementation of a Privacy and Security Policy and Procedure Manual
- Capability to track and execute requests for Access, Amendments and Accounting of Disclosures
- Organization-wide staff training
- Focused training for surveyors



# Privacy Certification for Business Associates

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- Need created by HIPAA privacy regulations
- Demonstrates good faith effort to provide “appropriate safeguards” to prevent impermissible uses and disclosures
- Limited on-site review
- Pass/fail; report “passes” only
- Final standards released in mid-May; program to launch shortly thereafter

# Questions?

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