



HIPAA As It Applies To The DENTAL OFFICE

■ PRESENTED TODAY BY

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HIPAA-AS Regulations

**Are you ready for
some HIPAA?**





Today's AGENDA

- HIPAA Overview
- Are you a covered entity?
- Did you file your extension form?
- Privacy
- Security
- Policy & Procedures
- What do I do now?
- Questions???



Why HIPAA?

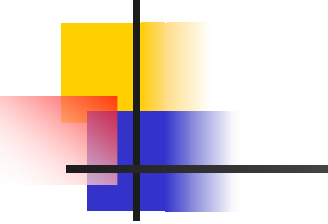
- To improve the efficiency and effectiveness of the health care system
- To adopt national standards for electronic health care transactions (CDT-4 code sets)
- Adoption of security and privacy standards to protect personal health information.



Does HIPAA apply to you?

- HIPAA applies to dental practices that submit or receive electronic transactions either directly or through a clearinghouse
- HIPAA also applies to practices that submit paper claims to a billing service for conversion to electronic transactions

HIPAA Compliance Timeline Chart



Law	Final Rule Effective	Compliance Date	Extensions
Transactions and Code Sets	10/16/00	10/16/02	Extension form must be filled by 10/15/02
Privacy	4/14/01	4/14/03	None**
Security	4/21/03	4/21/05	
Identifiers	Not yet proposed		
Revenue Offsets	Not yet proposed		

*Still must begin testing by April 16, 2003

[*Extension does not apply to small health plans nor does it change the compliance dates for other laws*]

***Modifications proposed to Privacy Rule March, 2002*



Did you miss the HIPAA extension deadline?

- 10/16/2002 was the cutoff date to file extension
- CMS has said it will not take action unless there is a complaint
- In the unlikely event, dentists will have opportunities to submit a CAP to correct oversight
- In most cases, vendors and clearinghouses will bring dentists into compliance
- The extension does not change the compliance date for HIPAA privacy, 4/14/2003

Privacy Regulations





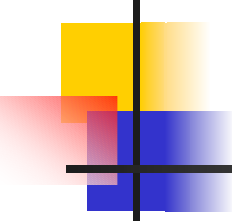
Privacy Standards

- Covers protected health information (PHI)
 - Individually identifiable health information transmitted or maintained in any form
 - Covered entities may not use or disclose protected health information except as permitted or required by regulations
 - Comply by 4/14/03



Business Associates

- Person or entity who performs a function or activity that involves use or disclosure of individually identifiable health information:
- Examples are claims processing, billing, practice management, consulting, collection agency



Is a provider a business associate of a health plan?

- Generally providers are not business associates of payers
- If the provider is a member of a health plan network and the only relationship between the payer and the provider is one where the provider submits claims for payment, then the provider is not a business associate.

Are janitorial services business associates?



- NO
- Disclosure of PHI is limited in nature and could not be reasonably prevented (ex. Emptying trash cans with PHI)

Questions about HIPAA Privacy?

- Can offices use patient sign-in sheets or call out the names of patients in their waiting rooms?



FAX patient medical/dental information?



- Privacy Rule permits to disclose PHI to another health care provider for treatment purposes.
- Use appropriate safeguards!

Can appointment schedules be posted?

- Use reasonable safeguards to protect PHI

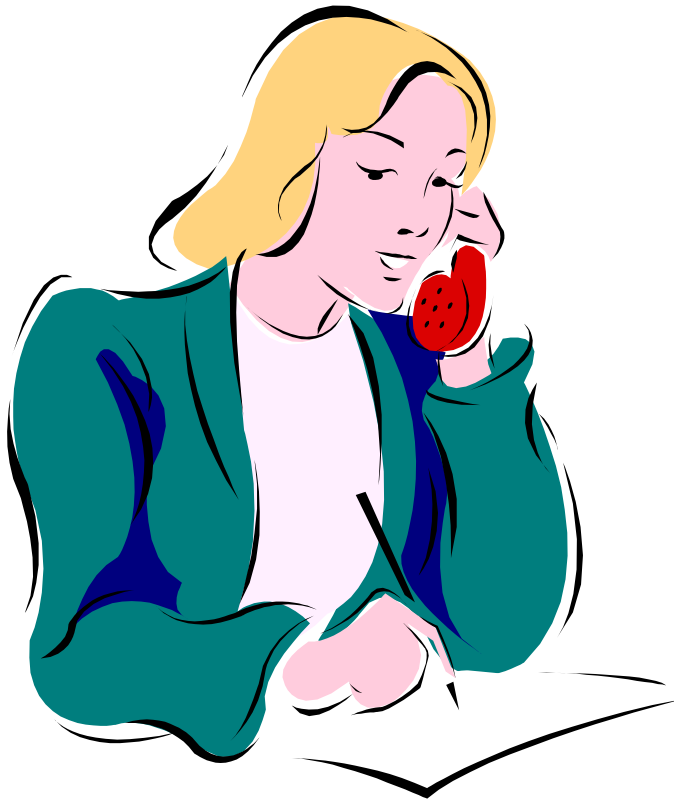


Can I charge a patient for a copy of their medical records?



- A nominal fee can be charged
- Be sure to include fee in your Notice of Privacy Policies.
- If State law requires to furnish at no charge, State law prevails

Confidential Conversations?



- Use your best professional judgment to reduce the risk of disclosing PHI

Can other people see your computer screens?

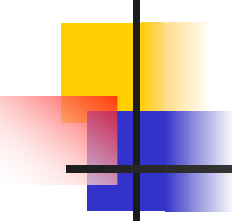
- Use screen savers
- Turn your computer so it can only be seen by staff
- Use passwords – change often



Can I flag the chart when a patient has a medical condition?



- Prior to HIPAA, we put it on the patients chart in red
- Privacy will not allow any longer
- Put the alert on the inside of the chart



Can I send out recall cards after April 14, 2003?

- You can send out the recall cards
- Be sure to include in your Notice of Privacy Practices

Keys for the office?



- Unauthorized personnel must never have access to confidential information
- Return all keys upon leaving the employment of the provider



Notice of Privacy Practice

- Needs to describe the uses and disclosures that may be made of their PHI
- Their rights over their PHI
- Acknowledgement of receipt of the notice
- Acknowledgement must be in writing



Emergency situations

- Notice must be provided as soon as is reasonably practical
- If a provider cannot obtain written acknowledgement, provider must document its efforts and the reason for their inability to obtain acknowledgement.



Parents and minors

- Parent is generally considered a “personal representative” and has the right to access PHI
- Except:
 - When state law does not require parental consent
 - When a court determines some other individual to make treatment decision for a minor



Abuse or neglect of a child?

- If the physician reasonably believes the minor has been or may be subject to abuse or neglect, the physician (dentist) may choose not to treat the parent as the personal representative of the child.



Authorization – when is it required?

- Permission to use PHI for specified purposes other than TPO
- Authorization must include:
 - Expiration date
 - Purpose
 - Permission
- Example: Dentist wants to send patient's name & address to a company marketing a new dental product



HIPAA Security



- Final Security Reg effective 4/21/03 – compliance 4/21/2005
- Security – applies to your computer systems and how you store & send medical data

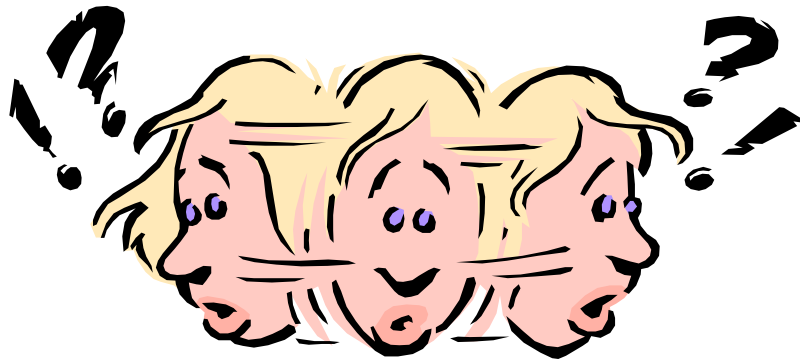
Enforcement

- Civil:
- Up to \$100/violation/person; up to \$25,000/year
- Criminal: knowing misuse of PHI
 - Up to \$50,000/one year imprisonment
- Criminal: under “false pretenses”
 - Up to \$100,000/5 years imprisonment
- Criminal: personal gain/malicious harm
 - Up to \$250,000/10 years imprisonment





What do I do now?



- DEEP BREATHS!



HIPAA Checklist

- Designate a Privacy Officer
- Develop privacy policies, procedures & documentation practices
- Train employees
- Develop employee discipline process for privacy violations
- Evaluate which of your relationships requires a BUSINESS ASSOCIATE AGREEMENT



Checklist, Continued

- Notify your Patients and get their permission, as needed
- Post & distribute your Notice of Privacy Practices after 4/14/2003
- Self-audit of your office to assure safeguards in place



RULE NUMBER ONE

- Any person to whom information is communicated must:
 - Be **authorized** to receive the information and
 - Have a **“need to know.”**

Time is Running Out





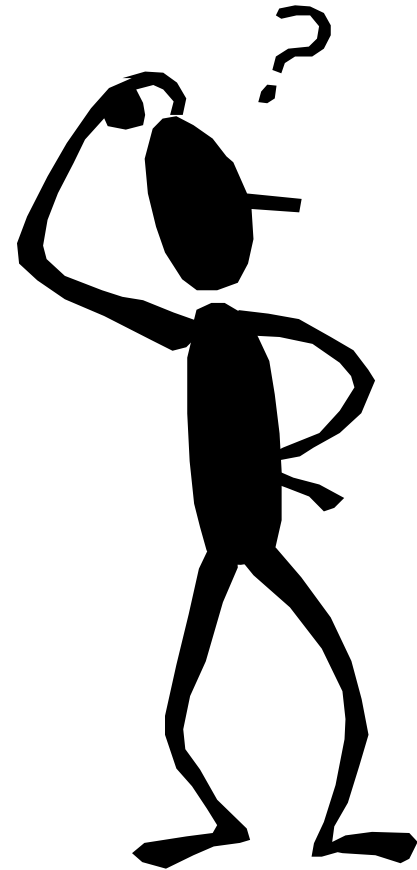
Web Resources

- **www.CMS.hhs.gov/hipaa** — formerly Health Care Financing Administration
- **www.SHARPWORKGROUP.com** — Southern HIPAA Administrative Regional Process (I use this one often – very helpful)
- **www.ADA.ORG** — American Dental Association – click on HIPAA info
- **www.HHS.gov/ocr/hipaa** - Office for Civil Rights



QUESTIONS????????

- Don't be shy!



Thank You

Thank You for Attending!

