

Attention POHMS Members

POHMS has purchased from *Health Informatics Consulting and Attorneys at Oscilawski*, a unique tool for your HIPAA HITECH Compliance Program. This valuable tool is provided to all POHMS practices (one per practice) and is covered through your paid membership dues. You will receive online access to this tool as well as a paper copy. There is a fee of only \$25 for the paper copy.

In addition to the manual, we will have two in-person presentations (Philadelphia Area and Bethlehem/Allentown Area) and two webinars. Dates are not confirmed, however, the first in-person presentation will be in April. Attendees will learn how to update and implement your HIPAA-HITECH Compliance Program.

For those who attended the POHMS September 2012 meeting in Leola, PA, this is the same firm that presented the HIPAA/HiTech Security Rule. This is a very valuable added benefit of your membership.

Outline of Content To Be Covered

Overview & Refresher

- Health Insurance Portability and Accountability Act (HIPAA)
- Health Information Technology for Economic and Clinical Health Act (HITECH)
- Proposed HITECH Rule
- Omnibus Final Rule

Enforcement & Audits

- Civil Monetary Penalty Tiers
- Avoiding a “Willful Neglect” compliance review
- “Reasonable Cause” and Mens Rea
- Affirmative defenses
- When individuals can be criminally liable (yes, you!)
- HIPAA Audits - what to expect, how to prepare, and learning from the past
- HIPAA Complaints – how to respond to HHS when a patient complaint is filed

Applicability changes

- “Protected Health Information”
 - 50 years after death no longer PHI
 - Genetic Information IS “PHI”
- Business Associates (BA) & their downstream BA-subcontractors
- HIOs, RHIOs, PHR Vendors

Business Associates changes

- Who is a Business Associate (BA)?
 - What are “conduits” and “data storage vendors”?
 - What does HHS mean by “access on a routine basis”?
 - When are HIOs and PHR Vendors BAs?
 - When are BAs “agents” of the CE, and why this is critical
- Who is a “Downstream Subcontractor” of a BA, and what’s the scope limit?
- When a BA Agreement is required, and when a BA Agreement is not appropriate
- Required HIPAA Compliance Programs for BAs and Subcontractor of BA
- Required language for BA Agreements – and what must be amended [HELPBOOK REVIEW]
- Transition Periods (due dates) for phasing in compliant BA Agreements

Patient Rights changes

- Access to Copies
 - Electronic copies
 - Transmitting copies to a third person

Charging costs and labor

- Out-of-Pocket payments – when has a patient paid “out-of-pocket in full”; who is not allowed to get PHI; and suggestions on how to implement this new requirement
- Accounting of Disclosures – where is it? Review of what the last Proposed Rule said – and stay tuned for another rule that’s coming on this.

Breach Notification Changes

- New “Presumption of Breach” – what does this mean?
- Risk Assessments, and how to analyze “harm” the correct way [HELPBOOK REVIEW]
- Exceptions
- Notice Requirements: CE → Patient; BA → CE; Sub→ BA
- Alternate Notice (i.e., e-mail; phone call) – when is it allowed?
- Reporting to HHS (for less than 500 – should you report 1x/year, or each time?)
- Dealing with the Media
- Cyber Insurance
- WORK-THROUGH 2 REAL BREACH EXAMPLES

Marketing changes

- When is it “marketing”, and when is it “health care operations”?
- Authorization for marketing
- New Exceptions

Sale of PHI Prohibition

- What is considered a “sale”
- Exceptions

Fundraising changes

- Clear and conspicuous “Opt-Out”; blanket opt-outs vs campaign-specific opt-outs
- Demographic Data - expansion of PHI that can be made available for fundraising

Research changes

- HIPAA authorization for research permitting compound authorizations
- How to combine conditioned and unconditioned authorizations for research

Immunizations – changes allowing release of immunization information

What Updates to Compliance Documents are REQUIRED?

- Notice of Privacy Practices
- Authorization Forms
- HIPAA BA Agreements
- HIPAA Policies
- [HELPBOOK REVIEW]

Review of applicable Compliance Deadlines

Friday, April 26 9:30 pm—11:00 am • registration 9:00 am
DoubleTree by Hilton Philadelphia–Valley Forge
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