

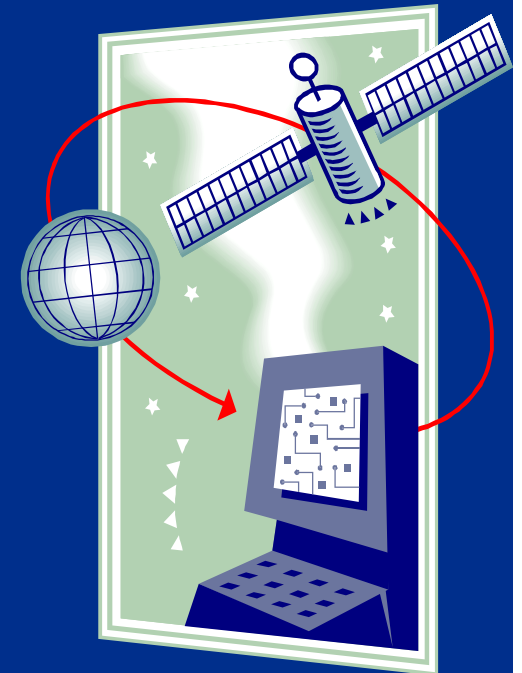
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2001 A HIPAA Odyssey

**SECOND NATIONAL HIPAA SUMMIT,
FEBRUARY 28, 2001**



Sue Miller - Co-Chair SPWG

**Security & Privacy Policies and Procedures
Discussion**

2001 A HIPAA Odyssey

◆ HIPAA security and Privacy mandate policies and procedures:

- Security NPRM
 - Administrative Procedures
 - Physical Safeguards
- Privacy Final Rule
 - Protected health information
 - Minimum necessary disclosures
 - Sanctions



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P&P Definitions

- ◆ **POLICY** - a general principle that guides actions taken by individual or group
- ◆ **PROCEDURE** - a way of performing or effecting something; a series of steps; course of action
- ◆ **PROCESS** - a series of steps, actions, or operations used to bring about a desired result
- ◆ **PLAN** - a detailed scheme or method for accomplishment of an object
- ◆ **GUIDELINE** - a policy or rule intended to give practical guidance



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Security NPRM Administrative Procedures

- ◆ Information access control
- ◆ Records processing mechanism
- ◆ Security configuration management
- ◆ Security incident procedures
- ◆ Security management processes
- ◆ Termination procedures
- ◆ Personnel security



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Security NPRM Physical Safeguards

- ◆ **Media controls**
- ◆ **Physical access controls**
- ◆ **Policy/guideline on workstation use**

- ◆ **PLUS**
 - **Contingency planning**
 - **Internal audit**
 - **Training**
 - **Security awareness training**



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Privacy Final Rule

- ◆ Administrative requirements: *Standard*: policies and procedures - A covered entity must implement policies and procedures with respect to protected health information that are designed to comply with the standards, implementation specifications, or other privacy requirements.
- ◆ *Standard*: changes to polices and procedures
- ◆ *Implementation specifications*: changes to privacy practices stated in the notice
- ◆ *Implementation specifications*: changes to other policies and procedures
- ◆ *Standard*: documentation
- ◆ *Implementation specification*: retention period = 6 years



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Privacy Areas to Consider for P&P

- ◆ **Uses and disclosures of protected health information**
 - Permitted uses and disclosures
 - Required disclosures
- ◆ **Minimum necessary**
- ◆ **Uses and disclosures of protected health information subject to an agreed upon restriction**
- ◆ **Uses and disclosures of de-identified protected health information**
- ◆ **Disclosures to business associates**
- ◆ **Decreased individuals**



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Privacy Areas to Consider for P&P

con't

- ◆ Personal representatives
- ◆ Confidential communications
- ◆ Uses and disclosures consistent with notice
- ◆ Disclosures by whistleblowers and workforce member crime member
- ◆ Consent for uses and disclosures to carry out treatment, payment, or health care operations
 - Consent requirement
 - Conflicting consents and authorizations
 - Joint consents



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Privacy Areas to Consider for P&P

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- ◆ **Authorization for uses and disclosures**
 - Psychotherapy notes
- ◆ **Uses and disclosures requiring an opportunity for the individual to agree or object**
- ◆ **Uses and disclosures for facility directories**
- ◆ **Uses and disclosures for involvement in the individual's care and notification purposes**
- ◆ **Uses and disclosures for which consent, and authorization, or opportunity to agree or object is not required**



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Privacy Areas to Consider for P&P

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- ◆ **Other requirements relating to uses and disclosures of protected health information**
 - marketing/fundraising/underwriting
- ◆ **Notice of privacy practices for protected health information**
- ◆ **Right of an individual to request restriction of uses and disclosures**
- ◆ **Access of individuals to protected health information**
- ◆ **Amendment of protected health information**
- ◆ **Accounting of disclosures of protected health information**



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Privacy Areas to Consider for P&P

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- ◆ **Administrative requirements**
 - Personnel designations
 - Training
 - Safeguards
 - Sanctions
 - Refraining from intimidating or retaliatory acts
 - Waiver of rights
 - Documentation
- ◆ **Transitions provisions**



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Policy and Privacy Resources

- CPRI Handbook;
[http://www.3com.com/healthcare/securitynet/hipaa/4\)9\)1.html](http://www.3com.com/healthcare/securitynet/hipaa/4)9)1.html)
- NIST Handbook;
<http://csrc.nist.gov/nistpubs/800-12/handbook.pdf>
- AFECHT Model Contract Language;
<http://www.afehct.org>



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