

Tools of the Trade

Tapping the Expertise of Business Partners

HIPAA Documentation Deadline

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As most of you know, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires that all health care providers have privacy documentation in place by April 14, 2003. Many people have the misperception that by filing the transaction and code set extension last October, the deadline for privacy documentation has also been extended. There has been NO extension on the April 14, 2003 deadline for HIPAA privacy documentation.

We have also found that a great amount of confusion exists regarding what documentation HIPAA actually requires. Unfortunately, many consultants are oversimplifying the documentation requirements and as a result many health care providers will not have all of the documentation in place by April 14 that is required by law. The following is a list of documents we suggest be in place by April 14, 2003:

- I. Consent of Board of Directors
- II. Request for Legal Advice
- III. Letter to Personnel
- IV. Compliance Program Introduction
 - A. HIPAA Summary
 - B. Implementation of Compliance Program
 - C. Assessments
 - D. Reporting Possible Violations
 - E. Investigations
 - F. Certification
- V. Policies and Procedures
 - A. Index
 - B. Administrative Requirements
 - 1. Summary
 - 2. Documentation Requirements
 - a. Contact Person for HIPAA Compliance Policy
 - b. Designated Record Sets Policy
 - 3. Workforce Sanctions
 - a. Sanctions on Workforce Members for Failure to Comply Policy
 - 4. Mitigation
 - a. Mitigation of Harm Policy
 - 5. Privacy Officer
 - a. Privacy Officer and Privacy Committee Policy
 - 6. Training
 - a. HIPAA Privacy Training Policy
 - 7. Complaints
 - a. Complaint Form
 - C. Individual Rights
 - 1. Accounting of Disclosures
 - a. Accounting of Disclosures of Protected Health Information Policy
 - b. Request for Accounting of Disclosures Form
 - c. Accounting Control Form
 - d. Letter Notifying Individual of an Extension
 - e. Documentation Checklist for an Accounting of Disclosures Form
 - f. Accounting of Disclosures Form
 - 2. Right to Inspect and Copy
 - a. Access to Protected Health Information Policy
 - b. Access Request Form
 - c. Restriction Control Form
 - d. Access Control Form
 - e. Letter - Approval of Request for Access
 - f. Letter - Denial of Request for Access
 - g. Letter - Reviewer's Decision
 - 3. Request for an Amendment
 - a. Request for an Amendment of Protected Health Information Policy
 - b. Amendment Request Form
 - c. Letter - Extension of Time for Response to Request
 - d. Letter - Amendment Approval
 - e. Amendment - Request for Information Form
 - 4. Request for Confidential Communications
 - a. Request for Confidential Communications Form
 - b. Letter - Response to Request for Confidential Communications
 - 5. Request for Restrictions of Uses and Disclosures
 - a. Request for a Restriction Form
 - b. Restriction Control Form
 - c. Letter - Response to Request
- D. Business Associates
 - 1. Summary
 - 2. Business Associate Database Form
 - 3. Business Associate Agreement

**There has been
NO extension on
the April 14, 2003
deadline for
HIPAA privacy
documentation.**

- E. Health Information Management Policy
- F. Minimum Necessary Criteria
 - 1. Summary
 - 2. Identification of Workforce Members Authorized to Access Protected Health Information
 - 3. Routine Disclosures
 - 4. Nonroutine Disclosures
 - 5. Routine Requests
 - 6. Nonroutine Requests
- G. Authorization
 - 1. Summary
 - 2. Authorized Forms
- H. Notice of Privacy Practices
 - 1. Summary
 - 2. Notice of Privacy Practices Form
- I. Written Exit Interview

We strongly advise having an employee Exit Interview as part of your HIPAA documentation to avoid potential whistle-blower cases and to assure that your HIPAA policies and procedures are effective as intended.

Remember, the Federal Office of Civil Rights (OCR) is in charge of enforcing HIPAA. We anticipate that calls from terminated employees will be a great source of complaints for the OCR. Obviously, no practice will benefit from having the OCR invade your office and look for the types of problems typically associated with that agency.

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STK is a full-service health care law firm that can provide turn key HIPAA documentation, model compliance plans, and all other documentation and business strategies necessary to conduct your medical practice. For more information call:

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