



The clock's ticking – do you have enough time for complying with HIPAA Privacy?

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1.0 Introduction

Good, you have filed for an extension under Administrative Simplification Compliance Act (ASCA). You are happy – you have got one more year to comply with the transactions rule. Time to relax and enjoy the holidays, right? Well, not quite. Look towards your next deadline – the HIPAA Privacy Rules compliance deadline of April 14, 2003. Look at today's date and calculate how many days you have in hand to comply. Is it 180 days? 120 days? 60 days? 30 days? And also look how far you have progressed with your HIPAA Privacy compliance. Have you:

- Completed awareness training for all your employees?
- Completed a privacy assessment and gap analysis?
- Completed implementing all the steps necessary to close the gaps identified above?

Now ask yourself – do you have enough time to comply with the Privacy Rules? What, before you answer that question, you want to know what does it entail?

2.0 So, what does the Privacy Rule entail?

The HIPAA Privacy Rule deals with PROTECTING THE PRIVACY OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION. The rule has three major purposes:

- To protect and enhance the rights of consumers;
- To improve the quality of health care in the US by restoring trust in the healthcare system, and
- To improve the efficiency and effectiveness of health care delivery by creating a national framework for health privacy protection.

Privacy rules cover:

- Oral/ Verbal
- Written/ Paper
- Electronic communications

The final privacy requirements describe:

- Rights of individuals: The rights of patients to view, amend, control and understand the uses and disclosures of their information; also the right to complain to the Secretary of Department of Health and Human Services
- Use/ Disclosures of Protected Health Information (PHI): Which uses/ disclosures of PHI are permitted, and which are not;
- Organizational requirements: What requirements exist for different kinds of arrangement, such as Organized healthcare arrangement (OHCA), Affiliates, Business Associates, etc.
- Administrative requirements: What policies, procedures, documentation, etc. need to be in place
- Preemption of State Law: What HIPAA preempts and on what it defers to State Law

3.0 In conclusion

In effect, the Privacy Rules creates minimum federal standard for privacy of all individually identifiable health information, exceeding many state regulations.

Now reflect: Of the above 5 broad requirements, which have you initiated and/or completed? And ask yourself the question – do I have enough time to comply with the Privacy Rule?