Implementing HIPAA into a Compliance Program

HCCA Annual Conference – April 24, 2002

Kenneth W. Fody, Esq. - Independence Blue Cross
Carole A. Klove, RN, JD – Deloitte & Touche
Agenda

- Introductions
- The HIPAA Privacy Compliance Program
  - What is it?
  - How does it compare to what you do?
- What are the HIPAA Privacy Compliance tools?
- How can you use these tools and this opportunity to advance your compliance program?
- Questions and Answers
The HIPAA Privacy Compliance Program

- Mandated by statute for covered entities
- Required for an extension from CMS for HIPAA implementation
- Can compliment the other programs within an organization
- Requires structure, management and oversight

So, what are the components for a covered entity?
# Comparison of OIG Compliance to HIPAA Compliance

<table>
<thead>
<tr>
<th>OIG Compliance</th>
<th>HIPAA Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policies &amp; Procedures</td>
<td>Administrative Procedures</td>
</tr>
<tr>
<td>Assignment of Oversight Responsibilities</td>
<td>Assigned Security and Privacy Responsibility</td>
</tr>
<tr>
<td>Training &amp; Education</td>
<td>Training &amp; Education</td>
</tr>
<tr>
<td>Lines of Communication</td>
<td>Report Procedures; Event Reporting</td>
</tr>
<tr>
<td>Enforcement &amp; Discipline</td>
<td>Sanctions</td>
</tr>
<tr>
<td>Audit &amp; Monitoring</td>
<td>Internal Audit</td>
</tr>
<tr>
<td>Response &amp; Corrective Action</td>
<td>Response Procedures; Testing &amp; Revision</td>
</tr>
</tbody>
</table>
Comparison of OIG Compliance to HIPAA Compliance

Any similarity between the two compliance programs is purely intentional.
How HIPAA Can HELP You!!
Or why you should love HIPAA too....
How HIPAA Can HELP You!!
Or why you should love HIPAA too…

• Ever struggled with how to implement a big project?
• Ever tried to implement a law or regulation and you weren’t sure...
  – Who was doing what?
  – When it would get done?
  – If it was really, really done the way they said it was?
• How to get buy-in from Senior Management? e.g.
  – Staff support
  – Funding
  – Taken seriously

Former Compliance Officer who knows what I mean….
HIPAA Tool #1 -- Project Management

- HIPAA Privacy -- It's tooooooo big to “just do it!”
- This requires structure and organization
- Solution -- Hug a Project Manager
The Importance of Project Management

- To reach compliance an entity must understand the process toward implementation
- The process toward implementation requires discipline and structure
- Many facets within the process run on parallel tracts and require understanding of the discipline required for management of the project
- The timeframe is finite, but the tasks toward compliance can lose their priority without the discipline of an Project Management Office (PMO)
The Tools and Structure for Project Management

- Designate a PMO
- Identify Subject Matter Experts within the Organization to Support the PMO
- Develop in collaboration a work plan to allow time for becoming compliant in advance of the implementation dates
- Develop a budget for the Team Members to work against as they begin the assessment and implementation phases toward readiness
- Regularly meet (weekly) to access the progress and discuss and evaluate any required changes to the work plan – “The Accountability Step”
Compliance Officer before Project Management
Compliance Officer After Project Management
Project Management and HIPAA at IBC

- What we did with Project Management:
  - Documented Plan of Action
  - Known start and end dates
  - Work is Quantified
  - Easy to identify resource needs
  - Reports based on Plan
  - Problems identified quickly
  - Used Consultants for SME

- Result:
  - Management buy-in
    - Resources provided
    - Justified Funding requests
  - Simplified tasks
  - Progress is measurable
  - Consultants aid in keeping steady movement

- Why:
  - The lawyer was talking the language of the business people...
The CMS Extension Form – Validation of Project Management

• CMS plan to allow covered entities the ability to seek an extension to the implementation dates for the Transactions and Codes Sets
• Require a submission to CMS by the covered entity
• Submission may include:
  – Describe the Compliance Program
  – Outline the work plan toward HIPAA readiness – PMO
  – Outline the budgeting process
  – Describe the Vendors who are supporting the efforts
  – Describe the timeframe for testing
All right, that sounds good. What else is there?
A Practical Approach to Leveraging HIPAA to improve your Compliance Program

• Consider the Similarities, both require:
  – Documented processes and procedures
  – Training and education
  – Commitment to finding problems and correcting them

• If your company doesn’t do these things well now, use HIPAA as a means to introduce better practices

• Leverage the lessons learned for Compliance
Documented Policies and Procedures --
A HIPAA Approach

- Requiring documented Processes and Procedures
  - Even if we are just documenting common practice
  - Even if its just a process that says send it on to someone else

- Central ownership
  - Creating standard format
  - Providing all documentation
  - Keeping all documentation

- Posting Processes and Procedures to Intranet
- Requiring Process to routinely re-evaluate and update
Documented Policies and Procedures --
How you can leverage this for Compliance

- Next time, do it the same way you do it this time
  - People know what to expect
  - “Standard practice” = greater buy-in
- Use begets use…
  - Once some policies and procedures are on the corporate intranet, more will follow
  - The same is true of any other storage method.
- People see the value of what works
  - Having documentation easily available
  - Routinely re-evaluating and updating
- **Key Point for success -- use what exists**
Training and Education: Dive in!
Training and Education: The HIPAA Problem

- **Problem:**
  - IBC has 8500 Associates
  - Over 30 Worksites
    - Multiple States & P.R.
    - Multiple subsidiaries
  - Majority of Departments -- no education/training program
- **How do we deliver training to:**
  - all these people,
  - in all these places
  - in the short time between when work ends and Regulation starts?
Training and Education:
A HIPAA Solution -- something different!

IBC Solution: Online training

- Reaches to 8500 people anywhere, anytime
- Convenience
- Available for new employees
- Easy to track
- Extras thrown in
  - Able to train Business Associates too
  - “Required” to buy more than just HIPAA
- Success begets more use...
“Doing the right thing or else!”
A HIPAA Requirement
“Doing the right thing or else!”
A HIPAA Requirement

• “See no evil, hear no evil…” is not acceptable
• To avoid penalties entities must identify problems and correct them
• Companies must institute processes to routinely:
  – Report
  – Investigate
  – Correct
“Doing the right thing or else!”
HIPAA Solution = Compliance Solution

- Processes and Procedures used for HIPAA can be used for Compliance
- AND Vice Versa
  - Toll-free compliance number
  - Established process for investigation
  - Why create new processes for HIPAA
- Acceptance of these processes for HIPAA = Acceptance for Compliance
How HIPAA Can HELP You!!
Or why you should love HIPAA too….

- HIPAA Challenges and Compliance Challenges are the same:
  - Organization-wide impact
  - Public very aware
  - Severe Penalties
  - How to do a lot for a little and get support
  - Culture Change Required
How HI PAA Can HELP You!!
Or why you should love HI PAA too....

- Opportunities
  - Exposure to new tools
  - Organization-wide learning
  - Don’t let this be once and done
  - Use the Culture Change
- Use the tools of HI PAA to build something different!
- Organization and teamwork can create the desired result
Questions and Answers