

COMPLIANCE REALITY CHECK

WOULD YOU BET **\$1,500,000** YOU'RE READY?

HIPAA

1996 | Health Insurance Probability and Accountability Act

Improve efficiency and effectiveness of the U.S. health care system by setting national standards for electronic health care transactions and code sets, unique health identifiers and security.

HITECH

2009 | Health Information Technology for Economic and Clinical Health Act

Addresses the privacy and security concerns associated with the electronic transmission of health information and strengthens the civil and criminal enforcement of HIPAA.

ACA

2010 | Patient Protection and Affordable Care Act

New and expanded provisions to build upon HIPAA. Requires health plans certify their compliance with the standards and operating rules, and increases penalties for noncompliance.

Comply or Pay!

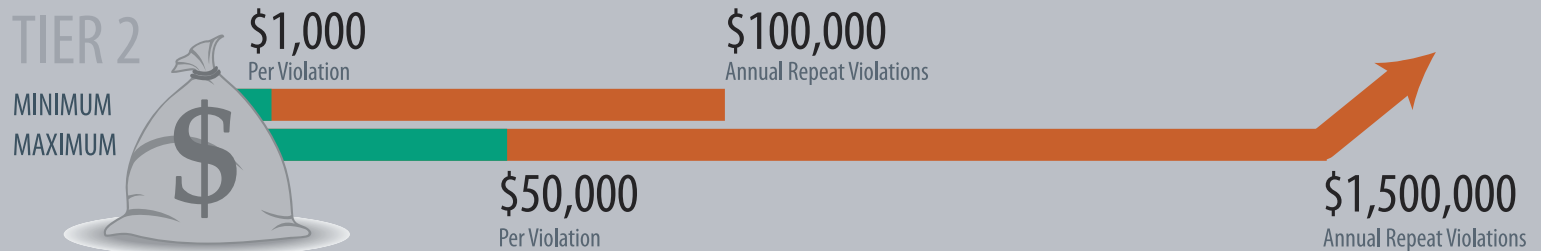
Civil Penalties Top Out At An Annual Maximum of \$1,500,000
Criminal Penalties Up To 10 Years Imprisonment

REALITY CHECK #1 CIVIL PENALTIES FOR NONCOMPLIANCE

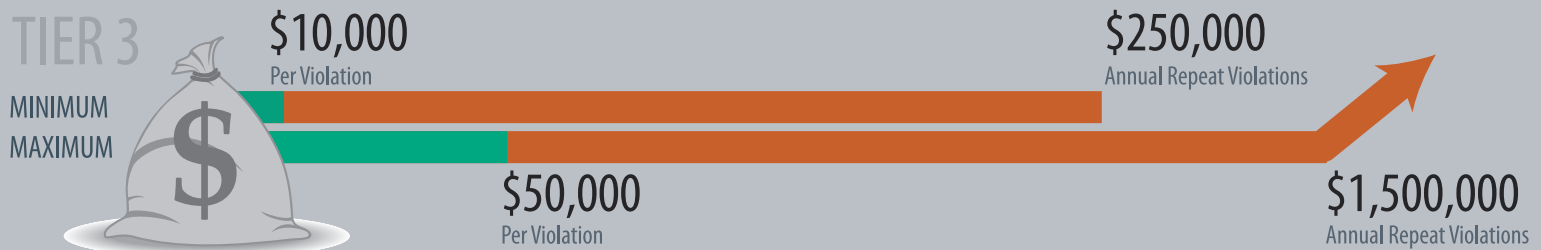
It is established the individual did not know, and by exercising reasonable diligence, would not have known that he/she violated HIPAA



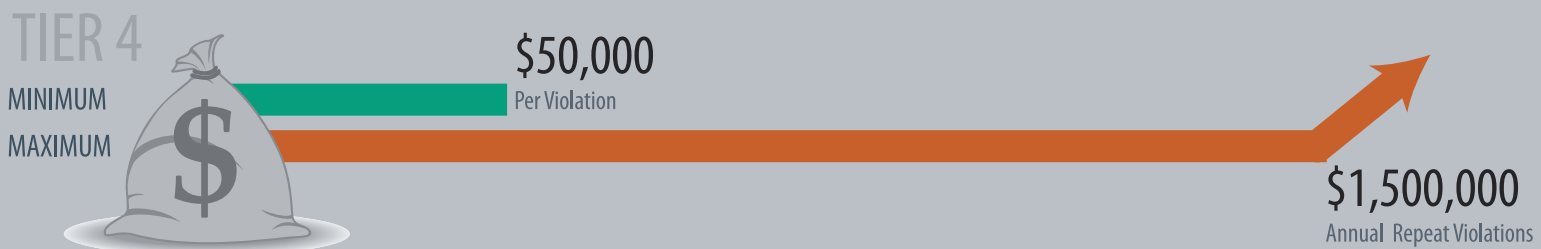
It is established the violation was due to reasonable cause and not due to willful neglect



It is established the violation is due to willful neglect but violation is corrected within the required time period



It is established the violation is due to willful neglect and is not corrected



REALITY CHECK #2: CRIMINAL PENALTIES FOR NONCOMPLIANCE

TIER 1

VIOLATION

Knowingly obtain or disclose individually identifiable health information

FINE

up to **\$50,000**

IMPRISONMENT

up to **1 year**

TIER 2

Gathering individually identifiable health information under false pretenses

up to **\$100,000**

up to **5 years**

TIER 3

Intent to sell, transfer, or use individually identifiable health information for commercial advantage, personal gain or malicious harm

up to **\$250,000**

up to **10 years**



REALITY CHECK #3: CAN YOU CHECK OFF THE LIST?

THREE PRIMARY AREAS TO FOCUS

PRIVACY, SECURITY, AND BREACH NOTIFICATION POLICIES AND PROCEDURES

- Update Your Policies and Procedures** Incorporate new changes in the law to your policies and procedures.
- Update Your Breach Notification Analysis** Your guide should be in place and ready to implement.
- Update Your Authorization Forms for the Release of PHI** Incorporate new changes in the law.
- Update Your Hybrid Entity Workforce Breakdown and Compliance Program** Incorporate new requirements into your documents if Hybrid Entity applies to you.

NOTICE OF PRIVACY PRACTICES (NPP)

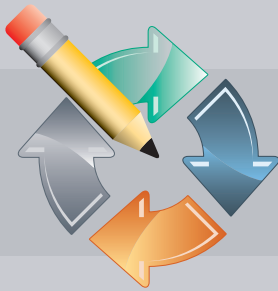
- Update your Notice of Privacy Practices** Add information on patient rights and breach notification.
- Post Updated Notice of Privacy Practices on Your Website** Add information on patient rights and breach notification and other changes.

BUSINESS ASSOCIATE (BA) AGREEMENTS

- Identify Your Business Associates** The definition for Business Associate has changed so you may have new ones.
- Update Business Associate Agreements** Existing agreements need updated and newly identified Business Associates need to sign an agreement.



**DON'T FORGET
YOUR STATE PATIENT
PRIVACY AND
CONFIDENTIALITY LAWS!**



Review Your Training Program

Review and train your workforce on new policies, procedures, forms and requirements on a continual basis. Make sure your Business Associates do the same.

Audit Your Compliance Program

Conduct a review of Privacy and Security Rule compliance. Protect the best interest of your business by including a comprehensive billing and coding audit.



Stay Informed

Find trustworthy resources and consultants that can help you stay informed on national and state-level regulation changes.

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Sources: American Medical Association, HIPAA Violations and Enforcement, <http://www.ama-assn.org/ama/pub/physician-resources/solutions-managing-your-practice/coding-billing-insurance/hipaahealth-insurance-portability-accountability-act/hipaa-violations-enforcement.page>, American Medical Association, The Health Insurance Probability and Accountability Act (HIPAA) Omnibus Final Rule Summary, <http://www.ama-assn.org/resources/doc/washington/hipaa-omnibus-final-rule-summary.pdf>

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