

HIPAA

(Health Insurance Portability and Accountability Act of 1996)

In response to questions from PTWA members regarding HIPAA compliance, the PTWA office has compiled this list of basic information and resources. The items listed below should be good places to start for physical therapy professionals who are searching for HIPAA information.

HIPAA Policy & Procedure Manual: Available Now!

The HIPAA Manual for outpatient physical therapy clinics compiled by the Physical Therapy Manager's Association is now available. Chair *Chris Hastings* described the motivation and history of this project in an article in our January 2003 Newsletter. Chris now reports that it is completed and ready for sale and distribution to outpatient physical therapy practices in Washington. It is titled HIPAA Policy & Procedure Guidelines and is being sent out on disk only (Microsoft Word document, 72 pages). **Call Chris Hastings at Integrated Rehabilitation Group, at 425-337-9556 to receive an order form.** The manual is \$54.45 for PTWA members, which includes shipping, handling, and tax—and \$108.90 including shipping, handling, and tax to non-PTWA members. This information is provided as a service and is not meant to constitute legal advice.

The manual is designed to be customized to fit your specific clinic and procedures. It includes templates for the necessary documents to ensure that your clinic is in compliance with HIPAA regulations. The authors include the caveat that general language not tailored to your situation could result in penalties. The manual contains all three necessary sections of the HIPAA regulation (Privacy, Security & Transactions, and Code Sets).

As a reminder, prior to April 14, to be in compliance with HIPAA regulations, clinics should:

- Begin testing for electronic billing procedures
- Appoint a privacy officer
- Train employees on privacy regulations and procedures and document training
- Implement new privacy policies and procedures
- Complete and sign Business Associate Contracts
- Customize and make copies of your Notice of Privacy Practices
- Sign and file this in the medical charts of current and new patients
- Set up a means to file a privacy complaint by patients/employees
- Customize and copy other forms in the manual to have ready as needed

This manual is a reflection of a great deal of work, thought, and organization on behalf of physical therapists by the PT Managers group. We are indeed lucky to have such individuals allied with our profession.

Other resources for physical therapists:

Articles:

See the November 2002 issue of APTA's *PT Magazine* for an article titled "The HIPAA Privacy Final Modified Rule," by Karen Ravitz, JD, formerly of the APTA Government Affairs Department or click here http://www.apta.org/PTmagazine/Current_Issue#32559 to view it online.

Internet links:

APTA information on HIPAA, including historical summaries, a "gap Analysis" tool, and other web resources: http://www.apta.org/Govt_Affairs/regulatory/privatepractice/hipaa/HIPAA_Privacy

APTA HIPAA compliance tool specifically designed for physical therapy. (This costs between \$600 and \$900, depending on the size of the organization.):

http://www.apta.org/products_services/online_shopping/hipaastepspt

US Dept of Health and Human Services (HHS) HIPAA FAQs: <http://www.hhs.gov/ocr/faqs1001.doc>

HHS Office of Civil Rights (OCR) The government office in charge of enforcing HIPAA privacy rules: <http://www.os.dhhs.gov/ocr/hipaa>

American Health Information Management Association Can subscribe to a free electronic newsletter on HIPAA compliance: <http://www.ahima.org/homeimpluse/impulse.html>

Healthcare Pro's Healthcare Privacy & Security Supersite with HIPAA articles and compliance products: <http://www.hipaapro.com>

Health Information Management (HIM) Supersite, features HIPAA products, articles, and resources: <http://www.himinfo.com>

Health Care Compliance Association (HCCA), a forum for health care compliance professionals: <http://hcca-info.org>

Centers for Medicare & Medicaid Services (CMS), information and resources on HIPAA compliance: <http://cms.gov/hipaa/default.asp>

Some basic information:

As explained by Karen Ravitz, JD at the HIPAA course presented by ASIG, HIPAA, Title 2, the Administrative simplification encompasses 3 main areas:

- Transaction and code sets
- Privacy
- Security

Compliance dates:

- Transaction and codes sets – The deadline was Oct. 15, 2002, unless an extension was filed, in which case the deadline is Oct. 16, 2003.
- Privacy rule – The deadline is April 14, 2003. No extension of this compliance date is expected.

- Security –No final rule or compliance date is available at this time.

As published in APTA's *PT Bulletin Online*:

- To help organizations determine whether they are considered a covered entity under HIPAA, the Centers for Medicare & Medicaid Services (CMS) recently posted a set of flow charts on its website. The charts address health care providers, clearinghouses, private benefit health plans, and government-funded health plans. To access the charts, go to www.cms.gov/hipaa/hipaa2/support/tools/decisionsupport/default.asp.
- The Department of Health and Human Services (HHS) recently appointed the Centers for Medicare & Medicaid Services (CMS) to enforce the transaction and code set standards that are part of the administrative simplification provisions of the Health Insurance Portability and Accountability Act (HIPAA). A fact sheet summarizing the administrative simplification standards required by HIPAA is available at www.hhs.gov/news/press/2002pres/hipaa.html.
- The HHS Office for Civil Rights will enforce the HIPAA privacy standards, which will go into effect on **April 14, 2003**.
- The Department of Health and Human Services (HHS) recently posted frequently-asked-questions (FAQs) regarding compliance with the Health Insurance Portability and Accountability Act (HIPAA) on its website. The guidance covers the use of sign-in sheets, determining receipts for a small health plan, faxing information, and more. www.hhs.gov/ocr/faqs1001.doc
- APTA members who need help in determining their current level of compliance with HIPAA privacy regulations are encouraged to find more information at http://www.apta.org/Govt_Affairs/regulatory/privatepractice/hipaa/HIPAA_Privacy and consider using [HIPAAstepsPT](#), a complete online HIPAA solution that allows users to establish a record of compliance efforts, create necessary documentation, and train online.
- APTA received clarification from the Department of Health and Human Services that facsimiles are not considered electronic media. This information affects many small physical therapy providers who do not conduct the standard transactions identified in the HIPAA regulation in electronic format.

Additional APTA/PTWA member contacts for HIPAA compliance questions:

- APTA Government Affairs Dept: 1-800-999-2782 ext. 8533
- Search <http://www.apta.org> with the keyword "HIPAA"

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