

In compliance...

...with HIPAA rules

by the Division of Advocacy and Health Policy

The key to complying with the privacy rule of the Health Insurance Portability and Accountability Act (HIPAA) lies in the documentation of privacy policies. Every surgical practice will need to develop a policy and procedures manual that documents accepted steps for handling confidential information to demonstrate their compliance with HIPAA privacy requirements. Not all items that must be included in the manual have been discussed in this column to date, but practices should start designing the process now. Upcoming columns will address other items that must be included in the manual.

The development and maintenance of the manual is a responsibility of the practice's privacy officer. The practice may already have instituted many of the policies and procedures required by HIPAA, in which case the privacy officer and the surgeon will just need to review existing materials to ensure that they comply and are centrally accessible. The manual may be maintained either on paper or electronically. It is probably advisable to have at least one copy of the manual in paper form in the event of a computer malfunction. The manual should include information regarding:

1. The practice's notice of privacy practices.
2. A list of the practice's uses and disclosures of confidential information for which an authorization is required and the exceptions to the requirement.
3. Policies for access to and amendment of confidential information, including guidelines for:
 - The information to which patients have access.
 - Who may request and/or amend the information.
 - Requests for information and the right to amendment.
 - How quickly a practice will respond to a request.
 - When the practice may deny access.
 - What to do if the source of the requested information is no longer available.


- How a patient may appeal an access or amendment denial.

4. Policies that outline how the practice will account for all confidential information disclosures that are made and a patient's right to receive an accounting of the disclosures.

5. A written guide to the process for patient complaints about your practice's policies and procedures.

6. A statement that informs patients that your practice will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against them or their representatives for challenging the practice's privacy policies.

8. A statement that informs patients that the practice may not require them to waive their rights under the rule as a condition of the provision of treatment.

These seven items were discussed in this column in the October and November issues of the *Bulletin*. We will continue the discussion of additional items that must be included in the policies and procedures manual next month. 

ACS guidance on HIPAA issues is based on information contained in the "Small Practice Implementation Guide," version 1.2 (<http://snip.wedi.org/public/articles/index.cfm?Cat=17>), © 2001, The Workgroup on Electronic Data Interchange.