

HARK PRIVACY WORKGROUP

April 16, 2002

The HARK Privacy Workgroup was held at Blue Cross/Blue Shield's Polk Auditorium in Topeka, KS. The meeting started at 9:00 a.m. and concluded by 12:00 p.m. There was a combined privacy/transaction workgroup session from 12:30 p.m. to 1:30 p.m. There were 34 attendees from various health care organizations and state agencies.

Purpose of the HARK Privacy Workgroup:

To share information and foster collaboration among organizations that will be impacted by HIPAA.

The co-chairpersons for the HIPAA Privacy Workgroup include:

Brenda Olson, Great Plains Health Alliance
Debora Hanks, Berlin-Wheeler
Ruth Cornwall, Kansas Medical Society
Chad Austin, Kansas Hospital Association

Next Meeting:

The HARK HIPAA Privacy Group has scheduled a meeting for **May 30, 2002** at 9:00 a.m. in the Blue Cross/Blue Shield Polk Auditorium (located at 1234 Polk, Topeka - please park across the street from Polk Auditorium). We will plan on having another combined privacy/transaction workgroup session from 12:30 p.m. to 1:30 p.m. The transaction workgroup will meet from 1:30 p.m. to 4:30 p.m.

Sub-Committees Minutes – 4/16/2002:

Physician Workgroup:

Our subgroup began with a discussion of State vs. Federal preemption issues. Currently, we do not have access to a complete grid that compares all issues. It was recommended within our subgroup not to get caught up on preemption issues, but to continue forward with the implementation issues of HIPAA. If individual offices have any specific concerns regarding preemption they should contact their attorney or do other research in that particular area. We do have a website suggestion that may be helpful to us in the future. At www.healthprivacy.org a group is working on a review of all 50 states in comparison to federal regulations. At this time Missouri and Kansas are not yet posted, but may be available at a later time.

Handouts were provided by some members of the subgroup to help other members begin individual gap analyses in their own offices. It is the hope of the group that as each office does this on their own they will share their outlines as well. This information sharing will be beneficial to all of us as we review them for issues we may have neglected in our own offices.

There was a general discussion of privacy and security issues that we are currently struggling with. Some of these included courier issues, office keys, tracking and

distribution of drug samples, cleaning crews, employees working from home and repair people working in restricted areas.

The website for the privacy regulations was distributed for everyone's use. It is as follows: www.access.gpo.gov/su_docs/fedreg/frcont00.html . Look in the following dates: December 29, 2000 for original regs; July 6, 2001 for guidance; Mar. 27, 2002 NPRM.

The next meeting is scheduled on May 30, 2002. We will again hold the meeting on the same date as the transaction work group meeting. At this meeting we hope to share more information from individual walk throughs in our offices. We will also evaluate examples of patient info-demographic sheets currently being used in our offices. In particular, how are we going to document who we can share patient information with? Who can we release pills or x-ray films to? We will also evaluate the inventory sheet distributed at this meeting for effectiveness. One group member hopes to bring back policy checklists to share from her Chicago meeting.

Payers Workgroup:

Attendees included two individuals from an insurance company, one individual from a hospital with a self-insured group health plan, and one individual from a health care collections company. Primary discussion centered around getting acquainted with where each entity is in the Privacy Rule compliance process. The following topics were discussed:

- * Policies and Procedures
- * Job Descriptions
- * State laws that apply to payers (this was more of a question, we did not have the answers)
- * Business Associate Contracts

Hospital Workgroup:

The hospital workgroup met and reviewed the task from the previous meeting. A discussion occurred regarding how to conduct a gap analysis and whether there were any models available. For the May 30th meeting, workgroup members will search for and bring copies of model gap analysis forms.

The workgroup also discussed methods to inform the public regarding HIPAA. A sample article was discussed for newspapers and local newsletters.

A in-depth discussion occurred regarding the Notice of Privacy Practices and the requirements. A sample NPP was provided and discussed as to how it needed to be distributed to patients and where it should be posted within the facility.

The workgroup also talked about the Notice of Proposed Rule Making (NPRM). The facilities were encouraged to submit comment letters by April 26, 2002.

Items for the next meeting:

Guide for Gap Analysis

Minimum Necessary

Consent – A model consent form will be available and reviewed at the meeting.

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