Who does HIPAA apply to?

Sometimes it can be overwhelming to consider everything and everyone we must protect in the medical field. This includes our patients, our employees, and just about anyone that walks into our practice or facility. HIPAA is just another one of those worries. Whether you are on the end of the spectrum of overprotecting everything or you are one of those that think a breach or problem with HIPAA may never occur, you must be prepared for the unexpected. In my experience working with multiple offices in a variety of specialties, I have seen my share of HIPAA compliance issues. One practice had nearly 400,000 patients’ records stolen. Another office simply mailed out one patient’s information to another patient in their office. Each of these is equally considered as a HIPAA breach even though they happened in totally different ways. These instances did not involve the transfer of information for insurance purposes.

This brings us to the question; do you feel that you don’t need to protect your patient information by following HIPAA rules and regulations because you don’t accept insurance? The answer to that question is FALSE. There are many conflicting reports and articles discussing...
this, however the authors do not consider the consequences for the physician or the patient. First, regarding the rules and regulations aspect, Health and Human Services (HHS), which helps to regulate HIPAA, states, "The HIPAA Rules apply to covered entities and business associates. Individuals, organizations, and agencies that meet the definition of a covered entity under HIPAA must comply with the Rules' requirements to protect the privacy and security of health information and must provide individuals with certain rights with respect to their health information" (n.d.). Covered entities are health care providers such as doctors, dentists, clinics, or anyone that transmits information for a transaction. Business associates are those people that work with the covered entities to help carry out some of their activities and functions involving PHI. If you are transmitting, receiving, or even discussing protected health information (PHI), and you are a covered entity or business associate then you must protect it whether there is insurance involved or not.

Next is the moral or ethical aspect. Consider if you were a patient and someone was handling your information carelessly by sending it to a referred physician through means that aren't protected, such as without encryption, or paper charts sitting in the back seat of an unlocked car. If you are a healthy person, you might not consider it a big issue, but if the patient had a health condition he or she was not letting anyone know about makes it a real issue. The patient's chart or information is now in someone else's hands. The person that stole the information could cause the person to lose their job by reporting it to their employer, blackmail the patient so they don't tell their employer, or by possibly use their social security number to open credit card accounts, buy a house, etc. This list could go on and on about every little thing to consider but just doing what is right for your office and patients should be enough.

Can you always guarantee that your patient information will be safe? NO. In the case of the 400,000-patient breach, it was a professional hacker that broke through their third-party vendor to get to the information. However, the practice was not doing everything they should have been doing to protect that information. This lead to an investigation through which the faults in the practice's HIPAA compliance were discovered.

For those that still have doubt about following

In Case You Missed It
On July 12, 2018 CMS proposed many changes to billing of E/M services

Recently, CMS held an informative live telecast regarding these proposed changes - watch a recording of this telecast by clicking here.

NAMAS is closely watching updates from CMS regarding proposed changes and its impact on organizations. Please continue to watch your inbox for important updates, including your opportunity to respond to these changes.

Our Medical Auditing Bootcamp will train you to become a medical auditor. Learn the principles of auditing, compliance regulations, and how to perform the daily duties of an auditor. This course covers education for all areas of medical auditing (E/M, surgical, ancillary, etc.)

Our next online session, scheduled as a 3 week LIVE Online Tues/Thurs Evening Session begins on September 18, 2018!
HIPAA rules and regulations to protect your patient's information, I am going to leave you with one small statement to think about. It only takes one disgruntled employee or one unhappy patient to lodge a complaint to the Office of Civil rights (OCR) or HHS to bring your office to their attention. What office can say they never have either of those?


This Week's Audit Tip Written By:

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Kelly is the Director of OSHA and HIPAA Services for our parent organization, DoctorsManagement.

Weekly Tip Sponsor

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You're Invited to Help Us Celebrate Our 10th Conference Anniversary!

Pre-Conference: Sunday, Nov. 11, 2018
Conference: Monday, Nov. 12 - Wednesday, Nov. 14, 2018
Venue: Wyndham Grand Clearwater Clearwater Beach, FL

Our 2- Day E&M Auditing Bootcamp is an accelerated auditing training specific to E&M auditing. Learn about audit policies, get clarity on documentation guidelines, medical decision making, medical necessity and more. Plus, during this training program you will have the opportunity earn our NEW CREDENTIAL - Certified Evaluation and Management Auditor (CEMA)!

Our 2-Day E&M BootCamps are scheduled as follows:

Aug 7 & 8: Charlotte, NC
August 21 & 22: San Francisco, CA
September 11, 12, 13: Online (1pm - 5pm daily)
September 25 & 26: Seattle, WA
October 9 & 10: Orlando, FL

Click Here to Learn More & View Our E&M Auditing BootCamp schedule
NAMAS is proud to offer the following webinar in July and August:

**Hands On:**
**Auditing Critical Care Services**
(Hands on Webinar Series)
July 31, 2018 *(Rescheduled date)*
2pm EST
Speaker: Scott Kraft, CPC, CPMA

**Incident-to:** Physician Based vs. Facility Based
(Auditing Webinar Series)
August 7, 2018
2pm EST
Speaker: Regan Tyler

**Appeals:** What You Need to Know
(What You Need to Know Webinar Series)
August 14, 2018
2pm EST
Speaker: Sean Weiss

**The Truth About the BAA (Business Associate Agreement)**
(Compliance Webinar Series)
August 21, 2018
2pm EST
Speaker: Kelly Ogle

**Hand On: Office Based E/M Services**
(Hands on Webinar Series)
August 28, 2018
2pm EST
Speaker: Liz Wilson

If you are interested in registering for the webinars above, please email us at namas@namas.co.

Click Here to View the Conference Agenda

NAMAS Makes it Easy AND Affordable to Attend Conference! There are Multiple Ways to Register:

1. Secure your spot & lock in your registration rate with just a $50 deposit and make payments toward your balance
2. Request an invoice to be supplied to your employer for payment
3. Receive 90 days no interest financing with PayPal Credit for balances over $99! Simply add your registration to our shopping cart and select the PayPal Credit option at checkout!

**Registration Information**

**NAMAS Member Registration**
(Through August 30, 2018)
Conference Only: $1095
Pre-Conference & Conference: $1395

**Non-Member Registration**
(Through August 30, 2018)
Conference Only: $1295
Pre-Conference & Conference: $1595

Can't Make the Entire Event? Day Passes Available!
Register for one day for only $399!

**Hotel Information:** NAMAS has negotiated a discounted room rate at the Wyndham Grand Clearwater for conference attendees at the rate of $189/night plus tax.

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Our weekly auditing & compliance tip emails are available to anyone who could benefit from this information.

If you know someone who would like to receive these emails, invite them to sign.

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NAMAS Calendar of Events

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