

HIPAA NEWS

IMPORTANT INFORMATION!

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HIPAA COMPLIANT CLAIM SUBMISSION:

As of September 29, 2003, Wyoming EqualityCare and ACS will convert to a HIPAA-compliant claims payment system and will no longer accept non-HIPAA-compliant claims for payment. **If you are not HIPAA-compliant, you risk not being paid!** If you would like more information, please call ACS Provider Relations at 1-800-251-1268 or visit their website at <http://wyequalitycare.acs-inc.com>.

DEADLINE FOR SUBMITTING CLAIMS:

The deadline for submitting claims, using the current system and codes is September 26, 2003 for all providers except for DD and LTC Waiver providers. The deadline for DD and LTC Waiver providers is September 12, 2003. **Please do not wait until the last day to file all of your claims**, the earlier the better for all parties involved.

WINASAP2003 ENROLLMENT PACKETS / TESTING INFORMATION:

As of August 1, 2003 you may contact ACS-EDI Gateway for your enrollment packets. You may contact ACS-EDI Gateway at 1-800-672-4959, Monday through Friday, 8 a.m. to 5 p.m. MST, or download the enrollment packet from the website at www.acs-gcro.com. Billing Agents and Clearinghouses may also contact ACS-EDI Gateway at the same phone number to schedule testing. **Don't Wait!**

Special points of interest:

- Important Information
- CMS Enforcement of HIPAA Standards
- Secure Removal of PHI from old computers
- Question of the Week

CMS ENFORCEMENT OF HIPAA STANDARDS

The Centers for Medicare and Medicaid Services (CMS) will be responsible for developing and enforcing the Administrative Simplification requirements of HIPAA. A new office within CMS, the Office of HIPAA Standards, was created to proactively support and oversee the HIPAA transaction and code set standards requirements, the security requirements and the national identifier requirements. The Privacy requirements will continue to be overseen and enforced by HHS' Office for Civil Rights (OCR).

CMS' immediate goals are to clarify the HIPAA standards and provide technical guidance to covered entities. The enforcement of the transactions and code sets is primarily complaint-driven. When CMS receives a complaint about a covered entity, they will notify the entity in writing that a complaint has been filed. The entity will have the opportunity to demonstrate compliance or to submit a corrective action plan. Organizations that exercise "reasonable diligence" and make efforts to correct problems and implement the changes required to comply with HIPAA, are unlikely to be subject to civil or criminal

penalties. However, if the covered entity does not respond to CMS, fines could be imposed as a last resort.

CMS' goal is to help health care providers implement HIPAA's electronic transactions and code set standards by the compliance deadline. The agency is committed to educating and assisting providers, rather than conducting investigations and audits.

It is CMS' hope that with the necessary help and support there will be wide spread compliance with the requirements.

- CMS will focus on educating providers and other covered entities on what steps they should be taking to meet the October 16, 2003 deadline for compliance.
- CMS will encourage providers and other covered entities to prepare a corrective action plan in case they cannot meet the deadline.
- CMS will not impose fines on any provider without

providing them with an opportunity to correct problems and/or submit a plan for compliance.

- CMS will concentrate enforcement activities on investigating complaints.

CMS intends to develop guidelines that explain how the enforcement process will operate. In the meantime, providers should take advantage of the numerous web sites and resources outlined in this and other papers in this informational series.





"Just because it's deleted, doesn't mean it's gone"

SECURE REMOVAL OF PROTECTED HEALTH INFORMATION

The new requirements for HIPAA compliance may mean that existing computer systems will require upgrading. But per the standard, before the PC is recycled, donated, or re-sold, all PHI data must be removed. Other options for passing on that old computer include taking it to a PC recycler or toxic waste disposal center. Besides, filling up landfills is not environmentally friendly, especially considering the foul substances that can leech out of old computers.

With increasing pressure to reduce costs and the availability of new methods to resell computers, businesses are looking for ways to either internally recycle their aging computer inventory or sell them into a growing used computer market. It is not unusual to find companies reselling their excess equipment on Internet sites such as eBay. However, in all cases there is a requirement to remove all of the PHI data stored on the computer before its disposal.

To understand the challenges of data removal, you must first understand the basics of data storage. There are fundamentally two ways of

retaining data in the PC: RAM memory and disk, principally the hard drive. Initially, before a hard drive can be used it has to be conditioned to accept information. This occurs in two steps. Using FDISK will establish the areas on the drive and how they are going to be used. Formatting sets up an environment on the disk so that the operating system can store and access files from the drive. The misconception is that these steps can also be used to remove any existing information.

Myth #1 - I can just empty my recycle bin As many users will already know, when a file is deleted with a delete command, it is not really removed; it just goes to the Recycle Bin. Once the recycle bin is emptied, it is gone, right? Unfortunately, no, it isn't. The operating system makes the disk space available for future use. New data will overwrite the unused information. Until it is overwritten, the previous data can easily be recovered. When the drive is reformatted the utility will merely rewrite the information that is used to locate the files on the drive. Essentially, it will tell the operating system that there are no files and that all of the space

on the disk is free. Until the operating system comes along and writes new data over the old, the original data still exists.

Myth #2 - I can just run FDISK on the drive again In the case of an FDISK operation, all of the information that is needed to locate the data from the operating system is removed. But as in the reformatting case, the original data is still there in its rawest of forms. Tools are readily available which will extract large portions of data even though the disk is presumed clean.

The Bottom Line None of the standard tools described above will remove the bulk of the data contained on the hard drive. The only solution to ensure that the information on the hard drive is removed is to either physically destroy the drive itself, or write over all of the existing data so that it cannot be recovered.

By Steve Hardwick, Infraworks

NCVHS Says "NO" to Further Extensions

The National Committee on Vital and Health Statistics (NCVHS), an advisory body to the Secretary of Health and Human Services (HHS), has written HHS Secretary Tommy Thompson its recommendations concerning the upcoming Transactions and Code Sets (TCS) compliance deadline. NCVHS argues against delaying the TCS compliance date and recommends HHS provide more assistance to covered entities in contingency planning and TCS education.

FREE HIPAA TRAINING

The CMS Southern Consortium's Achieving Compliance Together Team has developed a series of HIPAA presentations. They can be accessed via the Internet and there is no cost to you.

To access these presentations, simply click on the following link: http://www.eventstreams.com/cms/tm_001/

You can choose any of the following presentations:

1. HIPAA Message to Providers from the Southern Consortium Administrator
2. HIPAA Basics

3. Provider Steps to Getting Paid under HIPAA
4. HIPAA Security (coming soon)

MEDICAID BILLING WORKSHOP

If you missed the Medicaid Billing Workshop on July 28th, 29th, and 30th, you may still get the training via video tape. To obtain a copy of the Medicaid Billing Workshop, you may call Yvonne Stayer at 307-777-6029 or e-mail her at ystayer@state.wy.us. You may also go to the ACS web site and download the workshop presentations at <http://wyequalitycare.acs-inc.com>.

HHS TAKING STEPS TO PROMOTE PAPERLESS HEALTH CARE SYSTEM

On July 1, 2003, HHS Secretary Tommy G. Thompson announced two new steps in building a national electronic health care system. A common medical language will be established and a standardized model of an electronic health record will be designed, both of which will be available at no cost to the healthcare industry. These steps are part of the ongoing HHS effort to develop the National Health Information Infrastructure by encouraging and facilitating the widespread use of modern information technology to improve the nation's health care system.

"We want to build a standardized platform on which physicians' offices, insurance companies, hospitals and others can all communicate electronically, which will improve patient care while reducing the medical errors and the high costs plaguing our health care system," said Thompson.

In a related effort, Government Computer News reports HHS will begin work on a Federal Health Architecture incorporating multiple agencies' health-care programs. Melissa Rose Chapman, the department's CIO, said that HHS will lead the effort to find common business functions among the

health programs at the Environmental Protection Agency and the Departments of Agriculture, Defense, Energy and Homeland Security. "We are hoping to take a broader view of the health enterprise architecture," Chapman said. "It will be very exciting in terms of how we take the complex exercise of enterprise architecture and apply it to developing real solutions."

HIPAA QUESTIONS OF THE WEEK

The following questions relate to CMS enforcement of HIPAA standards.

Q: How is a complaint filed?

A: Any HIPAA related complaints, other than privacy, are filed in writing formally with CMS. You may request both paper-based and on-line forms from CMS' many resources. The form can be downloaded from: <http://www.cms.hhs.gov/hipaa/hipaa2>

CMS designed the form for ease of use. It contains the minimal amount of information needed to initiate a HIPAA related complaint against an entity. Please note that HIPAA privacy complaints should not be filed with this form. All Privacy

inquiries and concerns are handled by the Office of Civil Rights.

Q: Are there penalties for non-compliance?

A: The law does provide for fines for non-compliance. The Secretary of HHS may impose a civil monetary penalty on any person or covered entity who violates any HIPAA requirement. The civil monetary penalty for violating transaction standards is up to \$100 per person per violation and up to \$25,000 per person per violation of a single standard per calendar year.

Keep in mind, CMS sees its primary role as a promoter of compliance and would only impose a monetary fine as a last

resort. As discussed earlier, organizations that exercise "reasonable diligence" and make efforts to correct problems are unlikely to be subject to civil penalties. However, if the covered entity does not respond to CMS, fines could be imposed as a last resort.



"Excuse me, but I have a complaint..."

HIPAA WEBSITES AND LINKS

A HIPAA website dedicated to Medicaid is located at: www.cms.hhs.gov/medicaid/hipaa/admsim/. The DHHS website includes information on the administrative simplification provision of HIPAA, general information about the law, explanation of rule making process, etc. and can be found at <http://aspe.os.dhhs.gov/admsimp>.

The DHHS Office of Civil Rights

maintains a website devoted to implementation of the HIPAA privacy provisions. It is <http://www.hhs.gov/ocr/hipaa/>.

Another website dedicated to HIPAA was developed by Phoenix Health Systems - The HIPAA Advisory - can be found at www.hipaadvisory.com.

The WEDI HIPAA SNIP Task-Group has been established to

meet the immediate need to assess industry-wide HIPAA Administrative Simplification implementation readiness and to bring about the national coordination necessary for successful compliance. Information on the WEDI/SNIP group can be found at their website: <http://snip.wedi.org>.

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YOUR HIPAA NEWSLETTER

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Cheyenne, WY 82002

With this publication, Wyoming's Office of Medicaid and the Department of Health will provide members with the latest information on HIPAA regulations and compliance, including detailed overviews of specific requirements for providers and implementation tips and Web site resources. If you would like to receive a copy of the HIPAA NEWS, please e-mail us at hipaa@state.wy.us and ask that your name be added to the mailing list. Copies can also be downloaded from the ACS Wyoming Medicaid website: <http://wyequalitycare.acs-inc.com/>.



HIPAA AND YOU!

Email: hipaa@state.wy.us

The Wyoming Department of Health is the primary State agency for providing health and human services. It administers programs maintaining the health and safety of all citizens of Wyoming.

Mission

We envision a Wyoming in which all citizens are able to achieve their maximum health potential; a Wyoming in which early intervention, wellness, health promotion, and health maintenance programs are the primary approach for solving health problems; a Wyoming in which all citizens have regular access to basic health care; a Wyoming in which at-risk citizens receive culturally appropriate and sensitive services; a Wyoming in which we and future generations are healthy, vital, and productive so as to seize the opportunity to live our individual dreams and enjoy the benefits of our bountiful resources and natural beauty.

We're on the web. Visit us at www.state.wy.us



Wyoming Office of Medicaid
Department of Health

Our mission is to promote, protect and enhance the health of all Wyoming citizens.