

Complimentary HIPAA Checkup



Are you doing enough to prevent unwanted surprises and penalties? While many employers have been challenged by the mandates in the new health care reform law, we don't want you to lose sight of another very important law – the Health Insurance Portability and Accountability Act (HIPAA). Recent final omnibus regulations required group health plans and other covered entities to make changes to several HIPAA documents and administrative processes. And the agency responsible for overseeing the law – the US Department of Health and Human Services (HHS) – is stepping up HIPAA enforcement with significantly increased penalties and regulatory activities.

Failure to comply can result in:

- **Federal government audits.** HHS has performed more than 144,000 HIPAA privacy and security investigations or audits as of November 2016.
- **Civil monetary penalties.** These penalties have significantly increased and could result in millions of dollars in fines.
- **Criminal penalties.** The Department of Justice is charged with prosecuting criminal violations.
- **State enforcement.** States' attorneys general can bring civil action and damages.
- **Public notification.** Certain breaches require reporting to the media.
- **Reputational harm.** An organization's reputation could be significantly harmed.

Critical issues for all organizations to consider:

- If you have a self-insured group health plan, do you have HIPAA privacy and security policies and procedures, business associate agreements, a privacy notice, documented risk analysis, and training material? If yes, when was the last time they were updated? You are required to review these materials periodically and update them as needed.
- Are you aware of the increased penalties and enforcement? Could you produce all the required documents in the event of an audit?
- If your plan is fully insured, are you aware that you still may have HIPAA obligations if you receive any PHI?
- If you recently self-insured any group health plan coverage – including a health care flexible spending account – are you aware of the additional HIPAA obligations?

As part of our complimentary HIPAA
checkup diagnostic process, we will assess
the following HIPAA documents for current com-
pliance status:

- Privacy policies and procedures
- Privacy training materials
- Privacy notices
- Security policies and procedures
- Security risk analysis
- Security training materials
- Business associate agreements

Contact Us

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The following HIPAA tasks are required of group health plans:

- Develop and adopt comprehensive up-to-date privacy and security policies and procedures
- Update privacy notices to reflect necessary changes
- Determine compliance with 40+ security specifications
- Conduct and retain risk assessment of all systems that contain ePHI
- Designate privacy and security official(s)
- Ensure that use or disclosure of PHI is limited to the minimum necessary
- Provide plan enrollees with certain individual rights regarding their PHI
- Provide a means for individuals to lodge complaints
- Develop sanctions for violations of HIPAA rules
- Comply with HIPAA breach notification rules
- Enter new Business Associate Agreements (BAAs) with business partners or update existing BAAs
- Train employees on updated policies and procedures for use, disclosure, and general treatment of PHI and ePHI and train those who have access to PHI or ePHI on HIPAA's requirements
- Periodically reassess HIPAA compliance for technology and environmental changes

We can help.

To ensure your organization is HIPAA compliant and to avoid unnecessary surprises and/or penalties, we offer a complimentary half-hour, high-level HIPAA checkup that includes a diagnostic assessment to evaluate your current compliance status. If needed, we will recommend appropriate actions.

Our HIPAA Services

- Preparation of required HIPAA documentation: Our work for clients includes preparation of HIPAA privacy and security policies and procedures, privacy notices, Business Associate Agreements, and security risk assessments.
- Comprehensive training: Recent changes trigger the requirement that certain workforce members be trained on the new rules to ensure ongoing accountability for privacy and security of protected health information. We've developed a training program on these complex compliance requirements that can be tailored to meet your needs. Our learning formats range from a basic version that you can use to deliver training on your own to a facilitator-led session that can be delivered by webinar or in-person at your preferred location.
- Operational review: Not sure how your organization is complying with HIPAA? We can conduct an operational review of the administration of the health plan, focusing on the plan's compliance with HIPAA privacy and security. This includes a documented report, on-site interviews with staff, and walk-throughs of the various areas to assess physical security and adherence to stated policies and procedures, identifying where improvements can be made.

