

ALABAMA DEPARTMENT OF MENTAL HEALTH & MENTAL RETARDATION
CENTRAL OFFICE

HIPAA NEWSLETTER*

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Basic "Simplification" Requirements

1. Maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of health care and treatment information in our possession, including related information such as financial, medical history, and demographic).
2. Protect against reasonably foreseeable threats or hazards to the security and integrity of the information (e.g., unauthorized access, the data is accurate, and is available when needed).
3. Protect against unauthorized uses or disclosures of the information (e.g., release to unauthorized persons, for fundraising, or use for purposes without proper authorization such as research).

"Simplification" Deadlines

1. The April 14, 2003 Privacy deadline was met.
2. Although CMS will allow use of local procedure codes until 1-1-04 for Medicaid claims billing, DMH/MR must still be able to process the electronic transaction standard file formats for claim submittal and EOPs (837P and 835) to DMH/MR by October 2003. This includes state hospital pharmacy billing and claims from community service providers.
3. Determine and implement the final Security requirements. Although the deadline is April 2005, the Department plans to meet these requirements by December 31, 2003.

Follow-up visits by Consultant

The consultant has visited all facilities except North Alabama Regional and Wallace Developmental Center. The consultant is scheduled to visit these two facilities August 20. Basic findings/recommendations were:

1. All the facilities visited had completed or were completing supplements to the Department's new and revised policies to comply with the HIPAA Privacy requirements.
2. A review of each facility's Risk Analysis & Remediation plans showed that each facility has properly addressed nearly all of the risks to PHI and have implemented appropriate safeguards.
4. The Privacy Officer should work closely with the Advocates.

Additionally, the consultant provided individual reports that were emailed to the respective facility HIPAA Coordinator and/or Privacy Officer. The most recent report that covered all the "southern" facilities was provided to the Associate Commissioners and the Commissioner July 30.

Other

1. The Department was awarded a Certificate of HIPAA Privacy Compliance May 21, 2003.
2. Facility HIPAA training is essentially complete.
3. Additionally, all current Central Office staff has been trained, including new employees. Staff Development has done a super job providing the required training. Only those who left for military duty before April 14 remain to be trained.
4. The Department's Notice of Information Practices (NOIP) and the Acknowledgement of Receipt of NOIP form were issued to facility clients or their designees by April 14, 2003. Notices were sent to designees by certified mail return receipt requested. Additional follow-ups were made (and documented) to those who failed to return the first and sometimes second third attempts.
5. Contract amendments have been made and executed to contracts where the vendor was identified as a Business Associate. This includes food service, video cameras, transcription services, automated pharmacy system, the national substance abuse organization, and the national performance improvement organization.
6. Security rule Business Associate - SRBA ("Chain of trust") language, other confidentiality paragraphs, and related guidance are available for contracts, letters of agreements, RFPs/ITBs, etc.
7. SRBA ("chain of trust") language is in contracts/grants with community-based service providers.

Next Steps

1. Finalize and publish the DMH/MR companion guide document for the electronic transaction file formats.
2. Finalize and publish the crosswalk list of HIPAA compliant procedure codes and modifiers to Dept. service activity codes for MI and SAS.
3. Modify existing Substance Abuse data entry applications to create HIPAA compliant transactions and existing Central Data Repository applications to process HIPAA compliant transactions using the recently acquired data translator.

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