

New HIPAA Accounting Requirements: An Opportunity, Not An Obstacle

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Pioneering Specialists in Group Health Care Post-Payment Administration for 25 Years

- First with 100% claim audits
- Introduced the use of claim audits for recovery
- Originated linking of enrollment reconciliation with claim audits
- Started dependent eligibility audits 15 years ago
- Revolutionized data intake with payer-defined data – always successful
- Unblemished track record – no HIPAA violations or employee issues

- **This webinar is definitively in our tradition of being first in line for major data developments.**
- **We see the new HIPAA Accounting regulations as presenting an important new opportunity for self-funded plans.**
- **These regulations give self-funded fiduciaries greater control over their plan by requiring plans to control their data.**

HIPAA Accounting Regulations

- 45 CFR Part 164: HIPAA Privacy Rule Accounting of Disclosures
- Proposed and not likely to be final for a number of months
- Requires Covered Entities (CE) to track and account for uses of Protected Health Information (PHI)
- Enables individuals to ask for and receive an accounting of who has used their PHI and how their PHI has been used

Regulatory Compliance

- Penalties exist but are not likely to be enforced
http://www.hipaastore.com/index.php?main_page=page&id=5
- Compliance with these new regulations is not based on fear of penalty but on positive opportunities:
 - To support individuals covered by your plan (including you)
 - To support fiduciary oversight of self-funded plans

Supporting Individuals: Your Survey Responses

- Do you feel that you, as an individual health consumer, have the right to access your PHI?

Yes unanimously save 1

- Do you feel that you, as an individual health consumer, have the right to know who has used your PHI?

Yes unanimously save 1

- Do you feel that you, as an individual health consumer, have the right to know how your PHI was used?

Yes unanimously save 1

- Do you feel that you, as an individual health consumer, have the right to access your PHI?

Yes unanimously save 1

- Do you expect, as an individual health consumer, that the parties who have your PHI should be able to give you an accounting of who used your PHI and how it was used?

Yes unanimously save 2

From Individuals to Plan Fiduciaries

- What these regulations do is what most people want. Protection of their PHI.
- How does that lead to an opportunity for self-funded plan fiduciaries?
- By clarifying two key questions:
 - Who owns the data?
 - Who is responsible for the data?

The Data Zone

Who Owns the Data?

YOU DO!

Each individual owns their data.
Everyone uses it with their permission.

Who is responsible for the data?

Covered Entities (CE)

They get a person's permission to use the data.
They designate "Business Associates" (BA) for data use.

Now, with new Accounting Regulations, the CE is also responsible for tracking who has used a person's PHI and how it was used.

Not All CE Are the Same

- Covered Entities (CE) consist primarily of providers (doctors and hospitals) and health plans – including self-funded health plans.
 - Plan administrators are NOT CE but BA
- Providers control their data and can track who has it (and often how it is used).
- **Self-funded plans relinquish control of their data to administrators and other BA.**

Opportunity for Self-funded Plan

- Self-funded plans as Covered Entities (CE) now have not only a interest in their data but an obligation to obtain and retain possession of the PHI they oversee and must account for.
- The debate over whether a plan should get their data and what data they “are allowed” to have has just been settled – if plans act.

Opportunity Can Be Lost

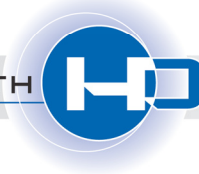
- Failure to act will mean that self-funded plans will still face accounting obligations but must go to each administrator and BA they have authorized each time an accounting is requested.
- To take advantage of the opportunity offered by these new regulations requires action by self-funded plans willing and able to act.

Next Steps

- Three-quarters of our survey respondents said they were “Concerned” about these new regulations.
- Replace that concern with action.
- Demand (do not request) that all plan data resides where the plan designates.
- Demand as a condition of doing business and as a requirement under these regulations that all uses of the data be monitored and accounted for.
- Install data controls similar to Health Decisions Web Portal.

Benefits from Action

- Regulatory Compliance
- Improved member relations
- Re-establish fiduciary control.
- Resolve all data access issues permanently.
- Control of data means control of plan costs.
- Control of data means control of plan.



Whether you support or oppose the
Affordable Care Act

HIPAA Accounting of Disclosure Regulations represent an
opportunity for self-funded plans.

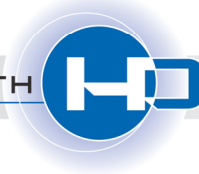
But, the opportunity can be lost to inaction.

Act now.

Past Webinars Available for Download

Recordings of past webinars are available through **Si's Library** (www.healthdecisions.com/library) including:

- July, 2011 – Dos and Don'ts of Competitive Bidding
- June, 2011 – You've Done a Dependent Audit. Now What?
- May, 2011 - Two Dozen Reasons Why Claim Payment Error Occurs
- April, 2011 - How Does Your Plan Compare?
- March, 2011 - How Medicare Can Help Employer Health Plans
- February, 2011 - Administrative Fee Inflation: Causes and Consequences
- January, 2011 - Planning for 2011



For More Information
Contact

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We offer no-cost consultations
to answer questions and discuss options.