

Spreading the Word on

HIPAA

While deadlines for HIPAA compliance inch closer, too many radiologic professionals are still unprepared. But once over the hump, staying up to speed on the requirements will be easier and will help protect what we'd all like protected as patients — our privacy.



BY HANNAH FISKE

Ask any health information manager or hospital administrator about the hottest news in the industry, and you are almost guaranteed to hear about the Health Insurance Portability and Accountability Act (HIPAA), signed into legislation by former President Clinton in 1996. With its winding maze of regulations and requirements, HIPAA has become, to many, an enemy lurking at the gate, ready to engulf the healthcare professions in a wave of compliance-related fear.

Talk with most radiologic professionals about the most important news in the industry, however, and you are far more likely to hear about PACS or brachytherapy applications. The problem is not that they are unfamiliar with the legislation, but rather that most allied health professionals remain blissfully—or, in some cases, stubbornly—unaware of HIPAA's implications in their daily work routines. Relying on

healthcare administrators and compliance officers for HIPAA education and information could be dangerous, though. If the old adage, "Knowledge is power," is true, then the time has come for radiologic professionals to take charge of their own HIPAA education and be responsible for the compliance of their department or facility and its staff.

One reason for the fear that often inhibits growth and training opportunities is simply a lack of understanding about the bill and its requirements, according to Diane T. Murray, director of product development for HIPAAAnswers, a Web-based compliance application development firm in Eden Prairie, Minn. "There is a segment of the healthcare population that wishes HIPAA would simply go away," she says. "What they must understand is that HIPAA is what the provider market has been wanting for years. We would like methods standardized instead

of doing them 50 different ways. Now, after 15 years of all of us jumping through hoops, the government is finally responding." HIPAA, Murray continues, was designed to streamline various information-related processes and make them more efficient, eventually saving both time and money.

Whenever a major change in thought processes and strategies is necessary, Murray adds, it is likely to result in growing pains. However, after years of meeting the variety of requirements imposed by health insurance firms, Medicare/Medicaid, and various regulatory agencies, making the switch to HIPAA-compliant processes is more than a little difficult for most facilities. "There are many painful factors for those of us in the provider market; but eventually, we will arrive at the place we have wanted to be at for so long," she says. "In reality, most people don't want HIPAA to disappear; they just want it to be easier to understand."

Not all of HIPAA's requirements are new, and many are simply clarifications of issues

healthcare professionals have been familiar with for years. "The privacy component, for example, is one requirement with which most medical professionals are comfortable," Murray explains. "The difference is that it has never been documented, and we have never had to think about our policies and procedures to this extent." Because privacy regulations were not written on paper, however, healthcare professionals were not afforded much security in the event of privacy-related legal action. "In the area of risk management, these policies are a good idea—something we probably should have been doing all along," she explains.

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privacy and protected health information?" Radiologic personnel must understand that HIPAA is a federal law, according to Michael D. Ward, PhD, RT(R), FASRT, academic dean, division of allied health, Jewish Hospital College of Nursing and Allied Health, St. Louis, Mo. As such, it should be carefully reviewed with each employee in a

basics of what we have been taught. It's the golden rule: Do unto others as you would have them do unto you. We know not to spread, leak, or misuse private patient information." HIPAA simply takes the legal and ethical issues that have been part of radiologic science curriculum for years and gives "additional teeth," he adds, to the enforcement of those requirements.

It is also important to be aware, Ward continues, that the rule guarantees patients access to their medical records. "This may pose a slight challenge for us at first because we have been somewhat used to having a sense of 'owning' the radiographs and reports," he explains. However, over the past several years, most radiologic professionals have realized that patients do have a right to access their information. "We must find a way to ensure they can obtain information without giving them something that frightens them," he adds. "It may not be a good idea to simply send a report blindly. Perhaps reports should be forwarded through channels that allow a medical professional to talk to the patient about the results in a way the patient is comfortable with and understands."

Despite HIPAA's impending deadlines, many radiologic professionals—from radiologists to technologists—remain unaware and unprepared, according to James M. Keese, general manager, professional services, and CPO, health imaging division, Eastman Kodak Co., Rochester, N.Y. "There are many options for HIPAA education and training, which will most likely be generated from two sources: a facility's compliance officer or a proactive staff member affiliated with the information systems and technology department within an institution," he explains.

Additionally, several vendors who offer continuing education credits are beginning to develop HIPAA-related content about how the rule affects a technologist's everyday responsibilities and environment. "At this point, technologists' exposure to HIPAA has been limited," he adds. "But, as corporate compliance offices perform their initial compliance audits and identify the gaps in their facilities, they will begin to approach various departments and remind them that they have only a certain amount of time to become compliant." As this scenario is repeated at hospitals across the nation, it could result in a tremendous burden on the industry. "They will all need to know how to address the issues of training personnel in HIPAA," Keese predicts, "but there may not be enough people with the skills and resources to assist them."

Overall, a facility's policies and procedures must come from its compliance officer or the CPO to ensure consistency throughout

How to Comply

Consider compliance in a coordinated way (across the various rules), and taking a consultative approach:

Transactions and Code Sets	E D U C A T E	A S S E S S	P L A N	I M P L E M E N T	A U D I T & E N F O R C E
Identifiers					
Security					
Privacy					

A recommended compliance methodology:

- Educate - learn the rules and impacts, teach others.
- Assess - determine the gap between the regulations and current practices.
- Plan - develop an approach to close the gap.
- Implement - execute the plan, close the gap.
- Audit/Enforce - make sure the rules are ingrained in the business.

HIPAAanswers

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Murray's concern is that many radiologic professionals, believing their services are ancillary in nature, seem to think they are exempt from HIPAA compliance requirements. "Many radiologists work out of hospitals instead of clinic settings, and may not believe they fall under some of the requirements. But this is not true," she explains. "They and their staff still have access to protected health information and will be subject to all of the same requirements as their non-radiology colleagues." Additionally, she says, with radiologic personnel spread out between hospital imaging departments and private facilities, training becomes a more complicated issue. "Some radiology groups, for example, have 40 or more radiologists, many of whom practice out of different facilities," she notes. "How do they let everyone know what is required of them? How do they each find out what they need to know about

radiology practice, department, or facility. "HIPAA is not something that only administrators should be aware of," he continues. "The staff who work closest to the patients need to be aware of the requirements and ready to conform with the regulation." It is important to remember, he adds, that the basis for the law is not new to healthcare professionals, especially those in the radiologic sciences. It is simply a new national standard to protect a patient's privacy and medical information.

For many decades, ethics, patient's rights, technologists' responsibilities, and various associated legal issues have been part of the curriculum in radiologic science programs, Ward explains. "HIPAA regulations have not suddenly appeared out of nowhere. We shouldn't have to scramble to figure out what to do about them," he says. "HIPAA addresses the

its various departments, according to Keese. Once policies and procedures are clearly defined and distributed, each functional unit within a facility must examine its standard operating procedures and where they may need to be adjusted. "The best training will originate from the upper levels of management and be related to department heads, who will deploy training within their own departments," he says. "The benefit of training supported by the department head is that the person understands what the impact of the regulations will be on his or her department, as well as what the implications will be if they don't complete the training."

Additionally, many vendors will play a role in the process of training and educating radiologic professionals about HIPAA, says Keese, who explains that vendors can create a sense of awareness among their clients related to the use of their products. Many facilities employ outsourcing companies to assist in training, he notes, but many of these firms are not aware of the clinical impacts of the regulation. "Over time, they will sort all that out, as they become more diverse and delve further into the medical aspects of the bill," he predicts. "But, the vendors who provide the imaging systems can assist in educating the industry about HIPAA's impact from an operational perspective at the most basic level."

One of the best methods for training current personnel, Keese advises, is to relate an employee's specific job function directly to the new regulations. For example, employees may be in the habit of having a computed radiography system running at all times, perhaps walking away for a moment to scan a bar code. In the future, however, it will be necessary to log on and off a system. "It will be your study, your cassette that is being loaded, and you will be the one handling the protected information," he explains. "For compliance, it will be necessary to be aware of the additional steps each person must take." By assessing each staff member's responsibilities in the operational environment and mapping them to the regulation, it is possible to train employees on the practicalities of compliance practices in day-to-day operations. "First, the employer will need to stress awareness about the reasons why certain procedures need to be followed," he suggests. "Secondly, he or she will show staff members how these processes will impact day-to-day operations, how they will affect each technologist, and what specific requirements each person will be subject to."

From an educator's point of view, it is apparent that knowledge and understanding are essential to success, according to Ward. "Whatever information we can make available to students about HIPAA regulations or any other changes in the environment is important." By providing them with the most up-to-date information, educators ensure that future RTs will be able to safely maneu-

ver the quagmire of information in the workplace, protecting both their patients and themselves in the process.

Additionally, he notes, it is critical that hospitals, clinics, private practices, and other clinical training sites work together with schools to ensure students are included in any in-service sessions about HIPAA regulations and other cutting-edge health-care topics. "If the partnership between a radiography or therapy program and its clinical sites is not properly maintained," Ward explains, "it won't matter how much the facility's employees know about

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HIPAA—students could become the weakest link, inadvertently revealing protected information." Therefore, he adds, although radiology departments may not believe they are completely responsible for students and often relegate their training to the college or program they are attending, it is important that they continue to inform students about HIPAA requirements and any other information impacting patient privacy and quality of care.

Many facilities are turning to Web-based applications, such as those offered by HIPAAAnswers, for convenience and up-to-date information. "If employees have a spare hour during the middle of the day, or if they want to log on from home during the middle of the night, they can complete their training then," explains Murray. Rather than requiring staff to attend training sessions or paying overtime to attend a weekend training seminar, employers who opt for Web-based training can offer complete and individualized training, while also having the capability of tracking which employees have completed specific modules. While much Web-based training has not been tailored specifically to meet the needs of the radiologic sciences,

more specialized training is a natural next step in the evolution of the product, Murray predicts. "As an industry, I think we all have much work to do before we can become specialized," she admits. "I don't believe it will be long, though, before many Web-based training firms will tailor their products specifically for ophthalmology, anesthesiology, or radiology."

Despite the often painful process of building compliance programs and educating staff, HIPAA will eventually serve to strengthen and improve the radiologic industry, Ward emphasizes. "It will help us put in place the mechanisms that will protect radiology departments, hospitals, and patients," he says. It may be beneficial, as well as necessary, for radiologic personnel and students to undergo additional training, he notes, and most departments would do well to establish privacy officers, who will be the focal point in dealing with these regulations. In the short term, Ward continues, the process may involve extra work and anxiety, but the rewards are worthwhile. "All of us are potential patients, and would probably rest more comfortably knowing that people can't access our information without our knowledge," he says. "HIPAA makes us look more carefully at ourselves and the processes we use to ensure that we don't allow information to leak out or be misused—information that should only be used in caring for patients."

— Hannah Fiske is a staff writer at *Radiology Today*.

Resources

American Healthcare Radiology Administrators
www.ahraonline.org

American Society of Radiologic Technologists
www.asrt.org

Centers for Medicare & Medicaid Services
www.cms.gov

Health and Human Services, Office for Civil Rights, Frequently Asked Questions about the HIPAA Privacy Rule <http://www.hhs.gov/ocr/hipaa/whatsnew.html>

HIPAAAnswers
www.hipaanswers.com

