



# Compliance Newsletter

February 2010

Volume 12, Number 2

## In This Issue

- HIPAA Mandates Effective February 18, 2010
- Scanning ABN Forms
- Compliance Discussion Group for March

### Compliance Hotline

Type: <http://157.21.29.163/Compliance/>  
and click on Hotline. EVMS Health Services Compliance concerns may also be sent to the EVMS Health Services Compliance Office via phone, mail or e-mail.

### Contact Us

#### EVMS Health Services Compliance Office

4111 Monarch Way, Suite 500  
Norfolk, VA 23508  
Phone 451-6200  
[www.evmshealthservices.org](http://www.evmshealthservices.org)

James F. Lind, Jr., MBA  
Compliance Officer

Kelly Rodeheaver, CMPE  
Privacy Officer  
Privacy Line 451-6298

Leanne Smith, CHC  
Director of Compliance & Internal Audit

Pamela Wheeley, CPC  
Compliance & Internal Audit Specialist

## New HIPAA Mandates Effective February 18, 2010

New HIPAA Privacy and Security mandates were included in the Health Information Technology for Economic and Clinical (HITECH) Act enacted last year as part of the American Recovery and Reinvestment Act (ARRA). Several of the changes which became effective February 18, 2010 are listed below.

### Right to Request Restrictions on Disclosures

#### Previously

- The Privacy Rule gave patients the right to request restrictions on the use and disclosure of their medical information, however covered entities were not required to agree to the request.

#### 2/18/2010

- If the patient objects the covered entity may not release to a health plan any PHI pertaining solely to a health care item or service for which the provider has been paid out of pocket in full.

### Minimum Necessary

#### Previously

- Only the minimum necessary amount of PHI (as determined by the covered entity requesting the information) may be released for payment and health care operations.

#### 2/18/2010

- Limited data set or de-identified information should be used when possible.
- Minimum necessary should be determined by covered entity releasing information.

- Guidance on what constitutes “minimum necessary” must be issued by August 18, 2010.

### **Access to PHI**

#### **Previously**

- Patients have the right to access and/or receive copies of their health information.

#### **2/18/2010**

- If the covered entity uses or maintains an EHR with respect to the PHI of an individual:
  - the individual shall have a right to obtain a copy of the information in an electronic format (CD-ROM, USB drive, web site, etc.) and to direct the covered entity to transmit such copy directly to an entity or person designated by the individual;
  - any fee that the covered entity may impose for providing the copy shall not be greater than the entity’s labor costs in responding to the request.

### **Criminal Penalties**

#### **Previously**

- Only covered entities were subject to criminal penalties.

#### **2/18/2010**

- Individuals (including employees) are also subject to criminal penalties.

---

## **Scanning ABN Forms**

TrailBlazer Health (our Medicare carrier) has made it official. It is appropriate to scan the original signed Advance Beneficiary Notice (ABN) into the electronic health record. The original signed ABN may then be given to the patient or destroyed.

---

## **Compliance Discussion Group for March 2010**

**Topic:** **Achieving Service Excellence- Employee Recognition Program (Allison Gray)**

**Dates:** Tuesday, March 16 and Thursday, March 18

**Location:** Hofheimer Hall Room 753

**Time:** Noon to 1:00 p.m.

RSVP by email or phone to Leanne Smith (451-6207).

***Bring your lunch***

