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[Compliance Discussion Group for June 2010](#)

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

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HIPAA Privacy Violator Sentenced to Prison

On April 27, 2010 Huping Zhou, a former UCLA Healthcare System employee became the first person in the nation to be convicted and incarcerated for misdemeanor HIPAA offenses. He was sentenced to four months in federal prison for merely accessing confidential patient records without a valid reason or authorization.

Zhou pleaded guilty in January to four misdemeanor counts of violating the federal privacy provisions of the Health Insurance Portability and Accountability Act (HIPAA). Over a three week period Zhou, without any legal or medical reason, accessed and read his immediate supervisor's medical records and those of other co-workers as well as the records of various celebrities. ***There is no evidence that Zhou improperly used or attempted to sell any of the information that he illegally accessed.***

CMS Signature Guidelines

"Documentation of each patient encounter must include the clear identity and professional credentials of all people who contributed to the service and/or record, and who contributed which portions(s) of the service and/or record." On April 16, 2010 CMS implemented new guidelines for all contractors who review Medicare claims. These contractors include:

- Medicare Administrative Contractors (MACs),
- Comprehensive Error Rate Testing (CERT) contractors,
- Recovery Audit Contractors (RACs),

- Program Safeguard Contractors and
- Zone Program Integrity Contractors (ZPICs).

Contractors are required to disregard any documentation that does not meet the signature requirements. The following meet the signature requirements.

- Legible full signature;
- Legible first initial and last name;
- Illegible signature over a typed or printed name;
- Illegible signature where the letterhead, address, graph or other information on the page indicates the identity of the signator;
- Illegible signature but the submitted documentation is accompanied by:
 - A signature log or
 - An attestation statement.
- Initials over a typed or printed name;

Authentication Process

Signature Logs. If the signature on the note is illegible it is acceptable to include a signature log when submitting the records. Signature logs must include the typed or printed name and usual signature of the author associated with initials or an illegible signature.

Attestation Statements. An attestation statement is required when a signature is missing from the documentation. It must be signed and dated by the author of the medical record entry and must contain sufficient information to identify the patient and date of service. An attestation must be specific to the service documented.

Providers should not add late signatures to the medical record (beyond the short delay that occurs during the transcription process) but instead may make use of the signature authentication process. Note that even in cases where two individuals are in the same group, one may not sign for the other in medical record entries or attestation statements.

Complete instructions from CMS may be found at:

<http://www.trailblazerhealth.com/Tools/Notices.aspx?DomainID=1&ID=13648>

A MedLearn Matters article is available at:

<http://www.cms.gov/MLN MattersArticles/downloads/MM6698.pdf>

Discussion Groups for June 2010

Topic: Minor Patients

Dates and Locations:

Tuesday, June 15, Hofheimer Hall 753 and
Thursday, June 17, Hofheimer Hall 757

Time:

Noon to 1:00 p.m.

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

Bring your lunch