



Managing Information Privacy & Security in Healthcare

HIPAA Privacy & Tools for Long-Term Care Organizations

By Barbara Demster, MS, RHIA, CHCQM

The Consortium

The Long Term Care HIPAA Consortium (LTCC) is a voluntary industry effort formed by over eighteen of the largest long term care companies. Representatives from these companies have met regularly for the past three years to develop a comprehensive set of HIPAA tools groomed to assist long-term care facilities, rehabilitation services, home health agencies, home medical equipment suppliers, and hospices in implementing the administrative simplification rules of the Health Insurance Portability and Accountability Act (HIPAA). The tools include model policies and procedures, forms and logs, training materials, and videos. The models are written to meet the basic HIPAA requirements. With the exception of the privacy training video, they are free of charge and may be downloaded from the internet.

The Benefits

Because of economies of scale, smaller facilities have greater constraints on financial and human resources, while larger companies are in a better position to afford full time expertise to develop and implement major initiatives such as HIPAA. The consortium's work provides post-acute services valuable HIPAA resources that are groomed for their settings and are agreed upon by industry consensus.

The Products

The consortium created seven subcommittees to address the major areas of HIPAA implementation: Privacy Policies, Training, Group Health Plans, Business Associates, Transaction & Code Sets, Security, and Preemption.

The group's work efforts produced the following:

1. Policies and Procedures: Over 25 sample policies and procedures including required forms and logs. Examples include disclosure tracking logs as well as different versions of the Notice of Privacy Practices groomed to different settings, e.g., nursing home facility, home health agency, etc.
2. Level 1 Training Script. Can be used in concert with the video "Mission Confidential."
3. Level 2 Training Script. Role-based training script for department heads and clinicians. Special focus on sections for 1) Business office, 2) Marketing, Admissions, Social Services, 3) Clinical Staff, 4) Administration, 5) Housekeeping, and 6) Maintenance.

4. "Mission Confidential" Privacy & Security training video. English and Spanish versions are available. A thirty-minute video on basic privacy practices and security safeguards meant for use in general (Level 1) orientation of all employees.

The policies, procedures, forms, logs, and training scripts are available free by downloading from the Internet. The "Mission Confidential" video is available in English and Spanish versions, in VHS format, for a modest fee. Copies of the materials may be obtained from the American Health Care Association (AHCA) website. <http://www.ahca.org/hipaa/index.htm>.

Omnibus Budget Reconciliation Act of 1993, P.L. 103-66 (OBRA)

Requirements of Participation for Nursing Homes

The federal OBRA statute and regulations that govern nursing homes participating in Medicare and/or Medicaid are consistent with HIPAA in that they both uphold basic privacy and confidentiality. While conceptually consistent with HIPAA, OBRA contains some provisions that provide nursing home residents broad protections that appear to conflict with HIPAA.

Resident Access to Records

Under OBRA, the nursing home must provide the resident access to records within 24 hours and with copies of records within two working days. HIPAA gives covered entities 30 days from receipt of a request in which to respond to it. If the nursing facility complies with the 24-hour access and two-day copying requirements under OBRA, the HIPAA requirement is satisfied as well. Therefore, nursing facilities should continue to comply with the specific OBRA requirements.