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# HIPAA Collaborative of Wisconsin

ANNUAL REPORT

DECEMBER 2008

## **A Note From the President**

I have really enjoyed serving as President of HIPAA COW for the first time this year. This is my second time “back” working with HIPAA COW since its inception in 2001. In prior years, I served as a HIPAA COW Board Member representing a health care provider. In both roles with HIPAA COW, I continue to be impressed by the quality and dedication of the volunteer individuals as well as the quality of deliverables produced. I am proud to be a part of this organization!

As we did in 2006, HIPAA COW collaborated with other Wisconsin Associations and Organizations to present the third MEGA health care conference at the end of January and beginning of February. This conference brought together individuals from a variety of health-care backgrounds to discuss relevant issues and to have an opportunity to network. In addition to the MEGA Conference, HIPAA COW offered a NPI audiocast and two low-cost, high quality statewide conferences in 2008—a spring conference in Wisconsin Dells and a fall conference in Sheboygan. HIPAA COW strives to make its conferences more accessible by offering one conference each year in the central Wisconsin Dells area and another in a different location within the state.

This year, HIPAA COW had eight different Sponsors in three different levels of Sponsorship support (see page 4). Sponsorship support is crucial in keeping conference and audiocasts low cost. Thank you to all our Sponsors!

Our Networking Groups continued to meet and added many additional volunteers in 2008. The Privacy Networking Group continued to participate in and support Wisconsin's e-Health initiatives. HIPAA COW Board members and volunteers participated in activities that lead to a change in Wisconsin's release of information laws (Act 108). In March of 2008, Governor Doyle signed the bill into law. In addition to working on Act 108, the Privacy Network updated the 146 pre-emption analysis and began work on updating the 51.30 pre-emption analysis grid. The Privacy Networking Group, in collaboration with the Security Networking Group, began developing a HIPAA Privacy and Security Training Session. HIPAA COW intends to make this module available on its website in the near future for anyone to use. Finally, the Privacy Network had its first meetings to develop a white paper addressing the issue of drug seeking behavior.

The Security Networking Group has focused its efforts on addressing issues related to OIG's security audits, including posting the security administrative check list and creating a spreadsheet that helps organizations respond in the event they are targeted for an audit.

The EDI Networking Group was very busy this year addressing changes to transaction code set version 5010 and ICD-10-CM and ICD-10-PCS. The EDI Networking Group directed most of its efforts this year at working with and educating those affected by these changes. The EDI Networking Group conducted a NPI audiocast and the EDI track for our fall conference was dedicated specifically to these issues. We anticipate that changes to transaction code set version 5010 and ICD-10-CM and ICD-10-PCS will remain a challenge for 2009.

HIPAA COW would not be possible without all the efforts of all the volunteers from many different organizations. Thank you all for your time and commitment to HIPAA COW. I would also like to recognize Wendy Ellwein, HIPAA COW's Administrative Support, who has been instrumental in keeping HIPAA COW running smoothly. I look forward to working with all of you in the upcoming year!

**Beth Delair**

2008

Achieved

Objectives

To join a HIPAA COW Networking Group, please go to [www.hipaacow.org](http://www.hipaacow.org) and view the "Why should I join a Networking Group?" Brochure.

Contact a Networking group co-chair for details.

### Security Networking Group

The Security Networking Group completed and posted a Portable Media Whitepaper, a document that was discussed at great detail for over six months. This Whitepaper provides an extensive review of portable media and how to manage the myriad of security issues that arise with their use.

Early in 2008 the Security Networking Group made some minor updates to the "Physical Safeguards Scorecard" which was reposted to the HIPAA COW website.

The Workgroup spent a significant amount of time in 2008 finalizing the "Administrative Safeguards Scorecard" to ensure the most up-to-date NIST documents were referenced appropriately. This scorecard was finalized and posted in Spring.

In 2008 the health care industry witnessed the first hospital in the country to be audited by the OIG for compliance with the HIPAA security rules. This was seen as a precursor of similar audits to come and prompted a renewed dedication to compliance with all aspects of the security rule. In response, the Security Networking Group worked to create a preparedness checklist of items requested as part of the OIG investigation of Piedmont and incorporated information released by CMS regarding interview and document requests

for onsite compliance reviews. Our spreadsheet/checklist is titled the HIPAA Security "Quick Start Guide for Audit Preparation" and will be finalized shortly.

Because the regulations are intentionally scalable, they are not easily measurable. We decided to try to create a survey to provide organizations benchmarking data to help them determine their level of compliance with the regulations in preparation for a federal audit. We are still working on the questions to be included in the Benchmarking Survey. We hope to incorporate e-discovery rules and encryption standards in the survey and take into consideration the very recent release of the OIG's review of CMS's oversight and enforcement of the implementation of the HIPAA Security Rule.

At the Spring Conference three members of the Security Networking Group were presenters on the topics of HIPAA Privacy/Security training and HIPAA Security user pitfalls.

Last year's identified goals of creating a "Technical Safeguards Scorecard" and an Identity Management Whitepaper were decided to be low priorities.

### Privacy Networking Group

In 2008, members of the Privacy Networking Group focused on Advocacy working with the State to develop and support language which resulted in Wisconsin Act 108. Act 108 was created to foster health information exchange (HIE) to improve the quality and safety of health care. Variations in federal and state health information privacy laws created barriers to moving forward with HIE in Wisconsin. The passing of the Act created alignment between federal (HIPAA) and state confidentiality and privacy laws. Act 108 resulted in changes to Wisconsin statutes 51.30 and chapter 146.

More recently, the Privacy Networking Group met in Madison to work with state health care leaders on the Wisconsin Health Information Security and Privacy Collaboration (HISPC) Project.

In addition to advocacy efforts, the Networking Group updated the Chapter 146 HIPAA Privacy Standards Matrix. The Matrix provides a comprehensive preemption analysis of the HIPAA Privacy Rule and Wisconsin privacy laws.

On an ongoing basis, the co-chairs regularly respond to general privacy questions from all sources providing guidance and reference to applicable HIPAA COW deliverables.

The networking group has also begun the review and revision of the HIPAA COW 51.30 preemption analysis grid and the development of a whitepaper on: Patient Drug Seeking Behavior: Disclosure of Patient Protected Health Information to Providers, Plans, and Law Enforcement Officials.

### EDI Networking Group

In 2008, the EDI Networking Group focused on conducting an NPI Audiocast which was well attended and was a help to attendees with the a successful implementation of NPI. The group also continued with education efforts during biweekly conference calls addressing ongoing NPI imple-

mentation issues as well as the impending (2010) ANSI 5010 and ICD-10 implementations. Included in the 5010/ICD-10 discussions were review of the code sets and the regulations surrounding them.

## 2009 Privacy Goals

The Privacy Networking Group has identified the following issues to be addressed in 2009:

- Continued participation in Wisconsin Health Information Exchange (HIE) projects and planning.
- Completion of Wisconsin 51.30 Analysis Grid as a result of the passing of Act 108.
- Publication of Whitepaper on: Patient Drug Seeking Behavior: Disclosure of Patient Protected Health Information to Providers, Plans, and Law Enforcement Officials (with subsequent presentation at HIPAA COW spring meeting).
- Review the Law Enforcement analysis grid.

## 2009 Security Goals

The Security Networking Group identified the following goals for 2009:

- Finalize the “Quick Start Guide for Audit Preparation”.
- Complete a Benchmarking Survey.
- Examine the application of the “Red Flag Rules” in health care settings and determine what type of resource might be helpful to support compliance by May 2009.
- Consider creating a Log Management Whitepaper.

## Other Privacy and Security Goals for 2009

- Numerous individuals from both privacy and security backgrounds have formed a separate networking group. Their goal is to draft and post a Privacy & Security Training Session (including Wisconsin law requirements) as well as a review/test.

## 2009 EDI Goals

The National Provider Identifier (NPI) Specifics:

- Conduct at least one 5010 Audiocast. If audience views as useful, there may be an opportunity to do more.
- Evaluate if 5010 and/or ICD-10 Summits are needed in 2009.
- Continue with education at conferences regarding 5010 and ICD-10 subjects.
- Continue being a resource to assist in resolution of issues related to HIPAA Transaction and Code Sets.

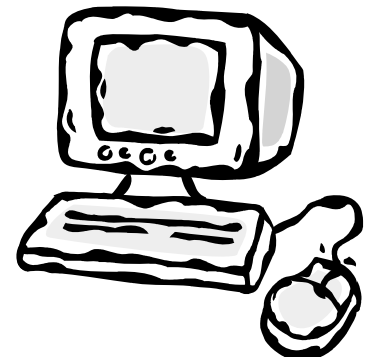
Other HIPAA EDI Specifics:

- Review upcoming regulation changes and impacts when new regulations are released.
- Explore interest and need for collaborative focus groups beyond electronic claims and remittances such as eligibility, claims status (unsolicited and solicited), claims attachments, etc.

## Website News-

The HIPAA COW website, [hipaacow.org](http://hipaacow.org), provides a wealth of information about HIPAA and HIPAA COW. Users of the website can find information on HIPAA COW and sponsored events, numerous documents related to privacy and security issues, a job board, links to other related websites, and other useful information. Each year, the website is used by thousands of visitors who download documents, or otherwise utilize the resources available to them at the website. HIPAA COW does not charge any fees for using the resources available on the website.

So check it out: [hipaacow.org](http://hipaacow.org).





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## Coming in 2009

- **Sponsorship Program**

To view the HIPAA COW Sponsorship program or to become a 2009 Sponsor, please go to our website at [www.hipaacow.org](http://www.hipaacow.org) and click on the Sponsorship link. Sponsorship is greatly appreciated as it helps to keep our conferences low cost.

- **Audiocasts**

New to HIPAA COW in 2009!! Watch for emails and check the website for upcoming Audiocast dates and topics.

- **2009 Conference Dates:**

**April 3** - HIPAA COW Spring Conference, Tundra Lodge Resort and Waterpark, Green Bay, WI

**September 11** - HIPAA COW Fall Conference, Wilderness Resort, WI Dells, WI

## The mission of HIPAA COW

- To assist covered entities, business associates, and other interested parties in implementing the practices required by the Administrative Simplification provisions of HIPAA and to foster public education about the impact of HIPAA.
- To facilitate and streamline HIPAA implementation through identification of best practices.
- To identify and alleviate regulatory issues in a non-partisan manner.
- To offer opportunities for partnering.
- To reduce duplicate efforts among payers and providers.

## Special Thanks to our 2008 Sponsors

### GOLD

- **Quarles & Brady LLP**



### SILVER

- **Wisconsin Department of Health and Family Services**



- **Jefferson Wells**



### BRONZE

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