

# HIPAA Facts: Compliance and Enforcement

HIPAA is a complex and, to many, intimidating topic. Not surprisingly, we hear a number of myths circulating about when providers need to be compliant with HIPAA and when they should start getting ready.

## THE MYTH

“We heard that there is an extension for the HIPAA Privacy regulations.” OR “We filed for an extension on transactions. Doesn’t that give us longer to do privacy too?”

## THE TRUTH

The three sections of HIPAA, transactions, privacy and security, each have their own compliance deadlines. These are based on when the final rules were first published by the Department of Health and Human Services (HHS). As with all federal regulations, HIPAA regulations are first published in the Federal Register, with their effective date scheduled for 60 days following official publication. With HIPAA, however, HSS has allowed a significant transition period, allowing 24 months between the effective date and enforcement. Basically, HHS has said that, even though HIPAA is the law, it will not be enforced until 2 years after it is effective.

Due to several factors, including the effects of the 9/11 tragedy on the US insurance industry and federal government, Congress approved a one year extension for the transaction regulations. This extension, available by application only through October 15, 2002, provided for up to an additional year for compliance with HIPAA’s transaction requirements. But, to receive this extension, you must have filed for an extension no later than 10/15/02; if not, you are subject to fines as of 10/16/02. There is no comparable extension available or contemplated for the Privacy regulations. If you received an extension for transactions, the privacy compliance date is not affected.

The dates by which compliance is mandated currently are:

- Transactions – October 16, 2002; with a properly completed and timely filed application for  extension, October 16, 2003
- Privacy – April 14, 2003
- Security – The final regulations have not yet been published; we expect this to occur in  early 2003; therefore the compliance date for security is expected in early 2005.

## THE MYTH

“My association/attorney has told me that the law is not finalized yet, and that it’s best for me to wait until things settle out.”

## THE TRUTH

First of all, let’s look at what is final and what isn’t. The Transactions and Privacy parts of the law are in their final form today—they have been printed and published in the Federal Register. The law specifically states that once the rules are published in the Federal Register they can only be changed once per year, so the likelihood of any significant changes is very small. Plus, all HIPAA Now! Customers receive free product updates for 2 years from date of purchase, so when there are changes you receive the most current information free of charge.

The Security rules of HIPAA have not yet been finalized—the latest word from Washington is that this will occur in early 2003, and from that point you will have 24 months to be compliant. But it's important to recognize that there are certain security items that you need to have in place to be compliant with Privacy in April (virus software, firewalls, etc.), so you need to be aware of what is contained in the Security rules before the final version is in place.

If you think about the time it will take to select a HIPAA solution, get trained on it, and begin your implementation, it becomes very clear that it's in your best interest to start sooner versus later. Let's do the math: if it takes you 3 weeks to evaluate and select a solution, 2 weeks to buy it and receive it, and probably 4 more weeks to get some training on it, you've already spent 9 weeks and haven't even begun your implementation, which could take as little as 4 weeks or as much as 20 weeks or more. So in a best-case scenario the whole cycle takes you 13 weeks, which means, at the absolute latest, you had better start by the first of the year, and to be safe you should start evaluating solutions today.

Don't let anyone tell you waiting is in your best interest. Many organizations that tell you to wait are doing it because they have another solution to sell you that isn't ready yet—so waiting is in their best interest, not yours! HIPAANow! is currently being used by thousands of practices like yours because it's complete, easy-to-use, and ready today to help simplify your HIPAA compliance efforts. Starting today will help you to make compliance simpler, more manageable, and a lot less stressful.

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“When I first received it [the HIPAANow! Toolkit] I didn't know very much about [HIPAA] at all. So, what really helped me was going to the seminar – more than anything. I had enough time to get my questions answered. It was very extensive.”

A satisfied HIPAANow! customer, Hoover, AL

Agent 77's HIPAANow! Toolkit gives you the straight answers on everything related to HIPAA – what you need to do, when you need to do it, how to go about it, and what it will take to be compliant. The HIPAANow! Toolkit includes everything you will need for your HIPAA compliance efforts – all at an affordable price.



**HIPAANow! is:**

• **Comprehensive**

- o Includes all three aspects of the law: transactions, privacy and security
- o Includes in-person, teleconference or self-paced CD-ROM based coaching
- o Includes a 6 month service subscription which provides monthly newsletters,
- o product updates and a toll-free HIPAA HelpLine.

• **Easy-to-Use**

- o Written in everyday language
- o Step-by-step instructions
- o Includes all forms, policies, job descriptions

• **Cost-effective**

- o Lowest Total Solution Cost

Get your HIPAANow! Toolkit today. Contact your Patterson representative or call Colwell Systems at 800.637.1140 for more information or to purchase the HIPAANow! Toolkit.