

Health Information Compliance Alert

HEALTH INFORMATION NEWS: OCR LAUNCHES PRIVACY RULE LISTSERVE

The Department of Health and Human Services' Office of Civil Rights announced May 20 that it has created a list-serve to distribute announcements, notices of available resources and other educational information about the HIPAA privacy rule.

OCR encourages those affected by the privacy rule to take advantage of this tool for receiving up-to-date information. To subscribe to the listserve, go to <http://www.hhs.gov/ocr/hipaa/listserv.html>.

NIST SECURITYRULE GUIDANCE AVAILABLE FOR COMMENT

The National Institute of Standards and Technology (NIST) Computer Security Division May 12 published a draft of Special Publication 800-66, "An Introductory Resource Guide for Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Security Rule," for public comment.

The publication summarizes HIPAA's security standards and intends both to educate readers about the terms used in the security rule and to simplify the meaning of the mandated safeguards. The publication also points to helpful information contained in other NIST documents pertaining to individual aspects of the security rule.

This information is particularly useful to federal agencies, as it provides guidance for the areas where the security rule overlaps with the Federal Information Security Management Act (FISMA), thereby eliminating double compliance work.

The publication is available at www.csrc.nist.gov/publications/sp800-66. Comments must be received by July 15, 2004 and should be addressed to sec-hipaa@nist.gov.

NYSTATE TROOPERS PURSUE MEDICAL PRIVACY

The Police Benevolent Association, a union that represents thousands of New York's state troopers, filed a lawsuit with a New York state supreme court that alleges top police officials are coercing employees to either disclose confidential medical records or face disciplinary action, the Times Union reports.

Officials who used to easily obtain private medical information from doctors and hospitals are now blocked by HIPAA. In response, they demand that troopers sign an authorization that allows them access to records.

"If the member signs the release, then the New York State Police combs through the privileged statements -- including those to mental health practitioners -- for information that might provide a basis for ... actions against the member, including termination of employment," the court papers claim.

According to **Glenn Valle**, chief counsel for the State Police, officials have a right to see private health information. "We have a relatively simple and straightforward position. If you want to walk around with a gun on your hip, you have an obligation to the public," he says.

While Valle stresses that signing the waiver is voluntary, he adds that troopers can refuse, "but then they don't have the right to remain a police officer."

"This [policy] displays a contemptuous disregard for constitutional and statutory rights," states **Jane Bello Burke**, attorney for the Police Benevolent Association.

KENNEDY ASKS FOR HEALTH CARE FACELIFT

Sen. **Edward Kennedy** (D-MA) May 14 introduced the Health Care Quality Modernization, Cost Reduction and Quality Improvement Act. According to Kennedy's Web site, the Act will use information technology, results-based reimbursement, quality improvement and sickness prevention to improve health care.

With the gap between the current practice of medicine and information technology "vast and growing," the legislation calls for a broad-based system of electronic medical records and automated bill paying. It would also authorize "grants, loans and loan guarantees for health providers to install and implement clinical information systems" that adhere to national technical, security and interoperability standards.

Under the bill, providers who embrace the clinical systems that meet national technical standards will see increased reimbursement. It also authorizes the Department of Health and Human Services' Secretary to set quality standards for medical care and reduce reimbursements for those who do not meet those standards.

For further information, go to www.kennedy.senate.gov/~kennedy/statements/04/05/2004513C28.html.