

HIPAA Hoopla:

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Fines and Jail and Costs — Oh My!

“Perfect love casts out fear because fear involves torment.” — I John 4:18

Every time you see HIPAA in a headline you see fines and jail following. No subject in the history of the chiropractic profession has caused such uproar on a national scale. Many are capitalizing on fear for their own gain in peddling pricey solutions to this latest governmental edict. I chose the word hoopla for my title since it can mean “bustling excitement or activity; writing to obscure.” This is certainly what the HIPAA does. The government, in its typical fashion, has taken 93 pages to spell out the letter of the law to do something most of us consider routine consideration for our patient’s privacy. It has the weight of law and, therefore, must be obeyed. The intent to protect the privacy of health records is certainly noble. Letting the people who brought us the USPS, Medicare and the IRS set the standards is a sad commentary on the state of health care in this country today. Something needed to be done in this age of electronic information transfer to keep the unscrupulous from profiting by pirating private personal information. Every chiropractor I have ever known is well aware of the importance of patient confidentiality and practices so routinely. The first area of concern with HIPAA is who needs to comply. My simple answer is everybody. Whether you think you need to or not, you should do it. If you practice, you control Personal Health Information (PHI). In being trained for compliance, I learned that I have inadequate backups for the financial records in my office. I could have lost my accounts receivable. HIPAA made me aware of this and will help me fix it. Be proactive and get trained. Put your plan in place. The government is correct in that your patients are entitled to protection of their records. Who knows, you may learn something.

Your compliance plan will document in writing how you are protecting your patient health information. You will need to do a gap analysis to look at what you are doing, to complete various documents,

and train your staff. The most you should pay for a comprehensive compliance package is \$500. (This is the price of the NCMIC program.) If you are looking for an online program, I would suggest using NCMIC since they are vested in the profession. I would stay away from any private consultants, since they may or may not defend what they teach. Your state association is a good source. Nothing you can purchase is complete. You will need to customize it for your office.

This article is not intended to be comprehensive advice on HIPAA compliance. I am writing, not to give detailed advice about how to comply with HIPAA, but to suggest a way to turn this requirement into a positive statement of your faith. The intent is to encourage a practical application of your faith to make the now required compliance have a greater eternal purpose.

The document I am concerned with is your NOPP, (Notice of Privacy Practice). A non-governmental mind would have called this a “Privacy Notice.” This tells your patient how their health information is used and disclosed. Ironically, you will have them sign another form stating you told them the NOPP exists, that they can read it or have a copy, and get their consent to do what the policy says you say you will concerning their health information. You must also provide the NOPP to anyone who requests it. Luke, in his Gospel, records our Lord’s words on the matter of privacy. Luke 8:17 clearly states “For nothing is secret that will not be revealed, nor anything hidden that will not be known and come to light.” If I need to explain how their information will be used and disclosed, shouldn’t I share the ultimate disclosure? Shouldn’t my faith in God and obedience to His Word determine my conduct? Isn’t loving your neighbor as yourself the ultimate in privacy guidelines?

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I am putting a disclosure section in my NOPP telling my patients that I am a Christian, that my faith is based on the Gospel, and that I may bring their case to GOD in prayer. I intend to incorporate the Romans Road as presented in a CCA tract. From an eternal perspective, saving faith in Christ is far more important than the privacy of their records. I think full disclosure of my beliefs to be in their best interest. I know having the Gospel spelled out will make me a lot happier about providing this form to whoever asks for it.

The government can require me to comply with HIPAA. They require I have a policy and have it available. They want me to create a policy specific to my office. Many of you do a better job of sharing your faith with patients. Maybe HIPAA will help me. The thought of someone coming to know the Lord from HIPAA has inspired me.

The CCA will have a sample HIPAA statement of faith available on the website, or it can be obtained by contacting the Home Office. (see above)

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