

# New Expedition Begins: Privacy Under HIPAA

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While all regulations under the Health Insurance Portability and Accountability Act (HIPAA) directly affect how we manage health information, the privacy regulations are central for HIM professionals. It has always been our privilege to serve as patient advocates for information privacy and confidentiality.

One expert has clarified the three distinct but highly inter-related concepts that must be thoroughly understood in implementing HIPAA regulations: privacy, confidentiality, and security. According to John Lumpkin, current chair of the National Committee on Vital and Health Statistics, "privacy relates to the individual's desire to control access to personal health information," confidentiality "relates to the obligation of a holder of identifiable personal health information to protect the person's privacy," and security involves protecting the information, including limiting access to authorized individuals.<sup>1</sup>

Under HIPAA, privacy and security are separate sets of requirements. This issue of the *Journal* is designed to help you lead your organization's effort to implement these landmark requirements. Final privacy regulations have now been issued, but security regulations are still in draft form.

## Learning from the Trailblazers

In "The Journey of 1,000 Miles: Are Providers Really Ready for HIPAA's Privacy Requirements?" Mark Hagland interviews industry experts engaged in improving privacy programs at three healthcare enterprises--UCLA Medical Center, Providence Health System, and Kaiser Permanente. Their advice is clear and consistent: take stock now of all policies, procedures, and information practices.

The HIPAA privacy rule requires that organizations designate a privacy official. Jill Callahan Dennis explores this aspect of the rule in "The New Privacy Officer's Game Plan." Dennis outlines the responsibilities, duties, and skills this role requires and points out that "probably no other professionals within the organization have as full an understanding of how protected health information is used within the organization and disclosed externally." Let's make certain that we're out front leading these new programs and demonstrating our knowledge, skills, ethics, and values regarding patient privacy.

Steve Austin continues our journey of 1,000 miles by exploring the ins and outs of implementing security regulations in "Wrestling the HIPAA Security Regulations: Two Experts' Advice." HIM professionals at Stanford Hospitals and Baylor University Medical Center are asked to share their implementation experiences and their observations about the regulations' impact. As with privacy, HIM professionals are urged to expand their skills in managing information security and move into leadership roles.

Agreements with organizations to whom individually identifiable health information is disclosed are also addressed by HIPAA and are addressed by Michael Roach in "HIPAA Compliance Questions for Business Partner Agreements." All organizations that originate, maintain, and receive identifiable health information are subject to HIPAA, including small to mid-sized physician practices. Steven Lazarus examines the opportunities, benefits, and costs of implementation for physician practices in "10 HIPAA Tips for the Physician Office."

## Just the Beginning

The long-awaited federal privacy requirements will forever change how we value privacy and how we manage health information to ensure its security and confidentiality. Patients' right to privacy will get some long-overdue attention. Consumer advocates will be mobilized to extend and modify the regulations to suit their constituents. These issues will be played out at the local, state, federal, and international levels--and in cyberspace.

The first versions of the regulations represent how we view these obligations today and what is possible within our current fragmented information infrastructure. They will be revised as we gain experience about what works best and as new technologies become available. In the meantime, you know how a journey of 1,000 miles begins--with the first step. We hope that these articles will help get you on your way.

## Note

1. Lumpkin, J.R. "E-Health, HIPAA, and Beyond." *Health Affairs* 19, no. 6 (2000): 149-50.

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