BE PREPARED FOR HHS' ENHANCED ENFORCEMENT OF HIPAA RULES

ATSI began addressing the topic and issues concerning the HHS HIPAA guidelines and regulations when the rulings considered our Industry as Business Associates in 2003. At that time the ATSI Legislative and newly formed HIPAA Committee worked together to provide our members and the industry with the first Business Associate agreement to provide their medical clients.

In February 2010, Business Associates (BA) had an increased responsibility and liability under HIPAA and HITECH (Health Information Technology for Economic and Clinical Health Act). The HIPAA safeguards applied to the BA in nearly the same manner as the Covered Entity (CE). The HITECH Act required BA’s to revise many of their policies and procedures to comply with the HIPAA Privacy and Security Rules. ATSI revised the Business Associate Agreement to include the HITECH rulings. To provide the proper training on HIPAA and the new rulings, the ATSI Committee Members developed an Industry specific HIPAA/HITECH Training platform to meet the needs of the telephone answering/small call center industry.

In March 2013, the long-awaited Omnibus Rule made the most sweeping changes since the HIPAA Privacy and Security Rules were first implemented. Among the changes is an enhanced opportunity for the OCR to enforce compliance. Covered entities and business associates have until September 23, 2013 to become compliant with the Omnibus Rule. The new rule expands the definition of a business associate to include “any downstream subcontractor that creates, receives, maintains, or transmits PHI on behalf of the business associate”. Business associates and their SUBCONTRACTORS who have access to PHI are directly liable for compliance with the HIPAA Privacy and Security Rules.

ATSI began preparation with the new ruling in January 2013, working with Mr. Martin Ween, legal counsel for Hays Companies, the provider of the E&O coverage (underwritten by Lloyds of London) for our members. Recognizing the need for not only our members, our Associate Vendor Members and the Industry, ATSI contracted Mr. Ween to update the ATSI Business Associate Contract with the required HITECH SECURITY changes and include the OMNIBUS Rule. Also, recognizing the need with the new rulings requiring, ATSI asked Mr. Ween to provide a Sub-Contractor Business Associate Contract for our Associate Vendor Members. The Sub-Contractor BAC has been provided to our Industry Vendors.

The HIPAA Training Platform (www.atsitoolkit.com) now provides easier access and monitoring of the employee’s course progress through the five assessment areas. A “My Documents” section has been added to make available the 2013 ATSI Business Associate Contract, the Sub-Contractor BAC, and HIPAA Education Resources/References with a yearly subscription. With the compliance date fast approaching, covered entities and business associates are required to come into FULL COMPLIANCE BY SEPTEMBER 23, 2013. If you provide services to the medical community, you must have a signed BAC and Sub-Contractor BAC signed by your client in your files. Your staff must also be trained and aware of the HIPAA Compliancy Rules. Those who fail to comply by the deadline or experience breaches in customer data security may face substantial fines and penalties.

As you can see ATSI has diligently been working to keep the Industry prepared and updated on all HHS-OCR HIPAA related issues in 2003, 2005, 2010, and now in 2013. The HHS-OCR Tiger has grown some real teeth! The HIPAA Committee members are in the final steps of selecting a fully HIPAA Compliant Program to compliment the Agent HIPAA Training and Business Associate Contracts now available to our members and the Industry. If you would like additional information about the program, please email Admin@atsi.org or go to www.atsitoolkit.com to renew or request a new subscription for the BAC’s and HIPAA training. The program is available to the Industry. Although the program is available to non-members in the Industry, take advantage of a savings by becoming a member of ATSI with a first year membership discount and subscribe today.

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