

Critical Issues On The Agenda

9:00 a.m. - 9:30 a.m.

I. Overview Of HIPAA

— *Robert L. Coffield, Esq.*

- A. Brief History Of HIPAA
- B. Administrative Simplification Section
- C. Compliance And Effective Dates
- D. Recent Developments

9:30 a.m. - 12:00 p.m. (Break 10:45 a.m. - 11:00 a.m.)

II. Privacy Standards

— *Robert L. Coffield, Esq. and Paul English Smith, Esq.*

- A. Who Is Covered Entity
- B. What Information Is Protected
- C. What Are The Requirements For Use And Disclosure
- D. Patients Rights Under HIPAA
- E. Who Is A Business Associate And Business Associate Agreements
- F. Enforcement And Penalties
- G. Lessons Learned Since April 14, 2003 And Continuing Compliance Strategy

12:00 p.m. - 1:00 p.m.

Lunch (On Your Own)

1:00 p.m. - 2:00 p.m.

III. Security Standards, Transaction Standards And Electronic Signature

— *Keith Morgan, FHFMA, CISA, CCP, CISSP*

- A. Scope And Purpose Of The Regulations
- B. Who Must Comply With Security Regulations
- C. Security Requirements
- D. Transaction Standards And Code Sets Requirements
- E. Electronic Signature Requirements
- F. Overlap And Coordination Between Security And Privacy Standards
- G. Status Of Transaction Standards

2:00 p.m. - 2:45 p.m.

IV. Post April 14, 2003 Compliance Efforts By The State Of West Virginia And The Impact On West Virginia Health Care Providers

— *Sallie H. Hunt*

- A. Background On The State's Covered Entities
- B. Where Does State Government Stand In Terms Of HIPAA Compliance?
- C. April 14, 2003 Has Passed. Are We Done?
- D. Development Of Complaint Process And Monitoring Program
- E. The State's Business Associate Agreement Requirements
- F. Background On The State's Preemption Analysis Development And System To Monitor Changes In Law
- G. "Required By Law" Disclosures To State Agencies And Departments

2:45 p.m. - 3:00 p.m.

Break

3:00 p.m. - 4:00 p.m.

V. Preemption Analysis And West Virginia Law

— *Robert L. Coffield, Esq. and Paul English Smith, Esq.*

- A. The Basic Preemption Methodology
- B. The Preemption Exceptions (Public Health Reporting And Disclosures Required By Law)
- C. The "Contrary To" Analysis And "Stringency" Analysis
- D. Application Of Preemption Analysis To West Virginia Laws
- E. The Impact Of Preemption On Compliance Efforts And Drafting Policies/Procedures

4:00 p.m. - 4:30 p.m.

VI. Panel Discussion, Case Study And Questions

— *Robert L. Coffield, Esq., Sallie H. Hunt, Keith Morgan, FHFMA, CISA, CCP, CISSP and Paul English Smith, Esq.*

The Benefits For You

The Administrative Simplification Section of the Health Insurance Portability and Accountability Act of 1996 has become one of the major policy, technology, and operations issues facing the health care industry today. HIPAA requires new policies and procedures, creates a new federal floor for privacy and security protections and gives patients new rights regarding medical records and information. Health care related businesses must assess the impact of HIPAA and determine what West Virginia laws and regulations are preempted by HIPAA.

Health care providers, health plans, health care clearinghouses and various other health care related businesses will be required to comply with the Privacy Standards on April 14, 2003. Those impacted must comply with the Security and Electronic Signature Standards, the Electronic Transactions and Code Sets Standards and numerous other regulations under the Administrative Simplification Section of HIPAA. Overall these standards are meant to facilitate the development of a uniform computer-based health information system in the United States that will provide for the secure handling, collecting, protection, sharing of individually identifiable health information. The intent of the standards are to standardize much of the health care industry with the intent of bringing cost/operating savings to the industry. Compliance with these regulations will be critical to those operating in the health care industry.

This seminar will provide you with an overview, understanding, and practical guidance on compliance and implementation. In addition, the seminar will focus on specific issue relevant to West Virginia providers and others impacted by the regulations. The seminar will provide insight into what governmental agencies of the State of West Virginia are covered entities, where does the State of West Virginia stand on HIPAA compliance and how such changes may effect the private health care industry in West Virginia.

Learning Objectives

- The attendee will be able to review the history of HIPAA.
- The attendee will be able to restate the impact and effect of HIPAA on state agencies and departments.
- The attendee will be able to identify the privacy standards associated with HIPAA.

Who Should Attend

This seminar is designed for attorneys, business and office managers, hospital administrators, medical records directors, health care providers, benefits managers, compliance directors, human resource directors, nurses, billing managers and physicians.

Written Materials

You will receive a professionally prepared manual at this seminar. This manual has been compiled by the faculty specifically for this seminar.

Audiotapes

The seminar will be audiotaped. If you cannot attend, you may order a set of the audiotapes and the accompanying manual from this program by using the registration form on the back panel. For other related products, refer to the enclosed Lorman Bookstore or visit us online at www.lorman.com. Please allow four to six weeks after the date of the seminar for delivery.

Our Distinguished Faculty

Robert L. Coffield, Esq. is an attorney with Flaherty, Sensabaugh & Bonasso, PLLC in Charleston, West Virginia. He provides legal advice and counsel to a variety of health care entities, including hospitals, physician groups, and other health care providers. His practice involves the areas of e-health, health care delivery, regulatory/compliance, certificate of need, information technology, corporate and business law, and litigation. Prior to joining Flaherty, Sensabaugh & Bonasso, PLLC, Mr. Coffield was the assistant general counsel for the West Virginia Health Care Authority where he served as counsel to the board and administrative law judge for contested certificate of need and rate matters. Mr. Coffield is a member of the American Health Lawyers Association, the West Virginia Bar Association, and the Kanawha County Bar Association. He received his J.D. degree from the West Virginia University College of Law. Mr. Coffield graduated with honors from Bethany College with a B.A. degree in English.

Sallie H. Hunt is the State of West Virginia's HIPAA Chief Privacy Officer. In that capacity, she leads the State's HIPAA Privacy compliance program. She served as the principal advisor to State agencies on HIPAA legal matters and directed a team of State agency attorneys and others in HIPAA assessment and Privacy implementation. She also served as the Chief Policy Officer for the West Virginia Health Care Authority and was responsible for the Health Planning and Certificate of Need Divisions. In 1999, Ms. Hunt was appointed to Secretary Herman and Shalala's congressionally mandated Federal Medical Child Support Working Group. Previously, she served as Commissioner for the West Virginia Bureau for Child Support Enforcement, counsel to both the Health Care Authority and Child Advocate Office, and as a health care attorney at Spilman, Thomas, Battle & Klostermyer. Ms. Hunt is a member of the American Health Lawyers Association, the West Virginia Bar Association, and the Kanawha County Bar Association. She is admitted to practice before the Supreme Court of Appeals of West Virginia and the United States District Court for the Southern District of West Virginia. Ms. Hunt received her J.D. degree from the T.C. Williams School of Law, University of Richmond.

Keith Morgan, FHFMA, CISA, CCP, CISSP is a manager in consulting services at Arnett & Foster, P.L.L.C., providing consulting services in the areas of information technology and healthcare, primarily hospital based. Mr. Morgan is an advanced member of the Healthcare Financial Management Association and is certified in Managed Care (CHFP) and Patient Accounts Services and is an active member of a number of advisory groups in information systems and healthcare. Mr. Morgan is a fellow in the Healthcare Financial Management Association (FHFMA). Mr. Morgan is a Certified Information Systems Auditor (CISA) and a Certified Computer Programmer (CCP). He is a Certified Information Systems Security Professional (CISSP). Mr. Morgan has been involved with information technology for over twenty years with experience ranging from applications programming to database administration and including responsibility for executive management of information technology. Mr. Morgan has significant experience in PC based systems and networks and has been an instructor in information systems at local colleges. Mr. Morgan is a frequent lecturer on information technology related topics including presentation to a broad-based audience on Y2K topics and HIPAA. Mr. Morgan currently provides a wide range of consulting services, ranging from project management, to the development of new systems, and including EDP audits and reviews for banks and other clients throughout the region. Mr. Morgan has consulting experience with the majority of the hospitals in West Virginia. Mr. Morgan is a graduate of Kent State University with a B.S. degree in mathematics and holds an M.A. degree in mathematics and an Executive M.B.A. degree both from West Virginia University.

Paul English Smith, Esq. is the vice president and general counsel for Cabell Huntington Hospital where his responsibilities include healthcare risk management, insurance, claims management and corporate compliance. He is a member of the American Health Lawyers Association and the American Society for Healthcare Risk Management ("ASHRM"), and he is currently serving on the Board of Directors of ASHRM. He has presented numerous seminars and lectures to physicians, nurses and others on such topics as professional liability, healthcare risk management, crisis management, medical records confidentiality, HIPAA privacy standards, bioethics and advance directives, EMTALA and informed consent.

General Information

Charleston, WV • December 11, 2003

Summit Conference Center • 129 Summers Street

Registration: 8:30 a.m. - 9:00 a.m. • Session: 9:00 a.m. - 4:30 p.m.

Lunch Break: 12:00 p.m. - 1:00 p.m. (On Your Own)

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HIPAA COMPLIANCE: Understanding And Implementing The Security And Privacy Regulations In West Virginia — HIPAA: Overview of Administrative Simplification; Electronic Transactions and Code Sets Standards; Review of the Privacy Standards; HIPAA: Business Associates Penalties and Enforcement Compliance Strategies; Health Insurance Portability and Accountability Act (HIPAA): Security Standards and Electronic Signature Standards.

FACULTY: Robert L. Coffield, Esq. of Flaherty, Sensabaugh & Bonasso, PLLC, Keith Morgan, FHFMA, CISA, CCP, CISSP of Arnett & Foster, P.L.L.C. and Paul English Smith, J.D., CPHRM of Cabell Huntington Hospital. ©2002. 298 pages.

ITEM: 320469MAN MANUAL ONLY \$79

MEDICAID, MEDICARE AND MEDICAL ASSISTANCE IN WEST VIRGINIA (Volumes I and II) — Hot Topics for Long Term Care and Nursing Home Facilities; Medicaid and Medicare Payment Issues; Government Enforcement Tools for Combating Health Care Fraud and Abuse; The Federal Anti-Kickback Statute; Stark I and II; Developing and Maintaining an Effective Compliance Program; The Medicare Integrity Program; Commonly Asked Questions About Estate Recovery.

FACULTY: Heather G. Harlan, Jeffrey K. Matherly, John S. Moore and Susan B. Saxe all of Bowles Rice McDavid Graff & Love PLLC. ©2002. 662 pages.

ITEM: 317167MAN MANUAL ONLY \$79

HEALTH CARE CORPORATE COMPLIANCE PROGRAMS IN WEST VIRGINIA (Volume I and II) — Overview; Criminal Prosecution Under the Fraud and Abuse Laws; Civil Actions and Other Enforcement Tools; Other Substantive Legal Requirements; Developing and Maintaining an Effective Compliance Program; Areas of Risk: The 2003 OIG Work Plan; Responding to Investigations and Subpoenas.

FACULTY: Jeffrey K. Matherly, John S. Moore, Susan B. Saxe and Charles C. Wise, III all of Bowles Rice McDavid Graff & Love, PLLC. ©2002. 568 pages.

ITEM: 320720MAN MANUAL ONLY \$79

PATIENT ASSESSMENT: Fundamental Physical Evaluation Skills In West Virginia — Overview and Introduction of Program; Head and Neck Physical Assessment; Cardiovascular Assessment; Pulmonary Assessment; Neurological Assessment; Abdominal Assessment; Putting it All Together.

FACULTY: Betty Nash Blevins, RN, MSN, CCRN. ©2003. 80 pages.

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HIPAA's Impact On West Virginia Providers And Health Plans: Privacy, Security And The Preemption Of West Virginia Law • Charleston, WV • December 11, 2003



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Charleston, WV
December 11, 2003

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Sallie H. Hunt

State of West Virginia

Keith Morgan, FHFMA, CISA, CCP, CISSP

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Paul English Smith, Esq.

Cabell Huntington Hospital

"HIPAA's Impact On West Virginia Providers And Health Plans: Privacy, Security And The Preemption Of West Virginia Law" meets the criteria of the American Association of Medical Assistants and is approved for 6.00 CEUs.

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