

**LEGAL
ACTION
CENTER**

**HIPAA Compliance Checklist
For HIV Providers
Covered by HIPAA's Privacy Rule**

Revised February 2008

- Determine if your agency/unit is covered by and must comply with HIPAA**
 - Determine whether you are a **covered entity** that transmits personal health information **electronically** in connection with specified health care transactions – and must therefore comply with HIPAA's Privacy Rule

- Personnel Designations**
 - Designate **staff member(s)** to:
 - Be the Privacy Officer
 - Process patient complaints
 - Process patient requests for accountings of disclosures
 - Process patient requests to access records
 - Review denials of patient requests to access records
 - Process patient requests to amend information contained in records
 - Document these personnel designations

- Training**
 - Establish a **training schedule** and curriculum
 - Train each member of your workforce about HIPAA

- Safeguards**
 - Conduct a **risk assessment** to determine whether health information is adequately protected
 - Consult with technical experts and computer support personnel regarding HIPAA's **technical and electronic** requirements

- Design and put in place appropriate technical, administrative and physical **safeguards** to protect health information from improper use or disclosure

- Complaints**
 - Establish a policy and procedure for patients to file **complaints** concerning your HIPAA compliance
 - Establish a policy and procedure for **sanctions** to be imposed against members of the workforce that violate HIPAA's provisions or your privacy policies
 - Establish procedures for **documenting** sanctions imposed and **mitigating** effects of wrongful disclosures

- Required Forms**
 - Patient Notice of Your Privacy Practices (HIPAA Privacy Notice):**
Draft a **patient notice** – post in prominent location, have copies available to give to patients
 - Consent (HIPAA Authorization Form):** Use the NYS Department of Health's approved **HIPAA-Compliant Authorization for Release of Confidential HIV Related Information** (Form DOH-2557)
 - Establish a procedure for **giving copies of signed consent forms** to patients
 - Establish a procedure for patients to **revoke** the consent in writing

- Accounting**
 - Establish a system to **track and document** all relevant uses and disclosures of health information
 - Establish a procedure to provide patients with an **accounting** of uses and disclosures of health information upon request

- Limiting Disclosures to Minimum Necessary**
 - Identify members of your workforce who **need access** to health information to carry out their duties, the categories of information to which they need access, and any conditions to their access that exist

- Implement a policy and procedure to **limit** routine or reoccurring disclosures and requests to the **minimum necessary** achieve the purpose of the disclosure
- Develop criteria for **limiting** the **minimum necessary** information in non-routine disclosures or requests and establish procedure for reviewing requests in accordance with the criteria
- Develop and circulate to all staff your “need-to-know” list and policy
- Patient Access to Records**
 - Establish a procedure for reviewing patient **requests to access** their records
 - Establish a procedure for **providing** patients with **access** to their records – determine a reasonable, cost-based fee if applicable
 - Establish a policy and procedure to **review denials** of patient requests to access records
 - Establish a procedure for processing patient **requests to amend** information contained in their own records – designate a staff member to process such requests

REMEMBER: Document, document, document – all policies, procedures, personnel designations and administrative measures must be documented.