Checklist: What Drug & Alcohol Programs Have to Do to Get Ready for HIPAA While Still Complying with 42 C.F.R. Part 2

☐ Determine whether your program is a covered entity under HIPAA

Personnel Designations

☐ Designate *staff members(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 on HIPAA by April 14, 2003

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 the program’s HIPAA compliance

☐ Establish a policy and procedure for sanctions to be imposed against members of the workforce that violate HIPAA’s provisions or the program’s privacy policies

☐ Establish procedures for documenting sanctions imposed and mitigating effects of wrongful disclosures

Draft New Forms

Patient Notice

☐ Draft a new patient notice – post in prominent location, have copies to give to patients

Consent

☐ Draft new consent forms

☐ Establish a procedure for giving copies of signed consent forms to patients

☐ Establish a procedure for patients to revoke a consent in writing

QSO/BA

☐ Draft new Qualified Service Organization/Business Associate agreements

☐ Amend current QSOA’s to comport with HIPAA BA requirements

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 to 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.

**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.