



Direct Connect



HIPAA

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There has been “much ado” about HIPAA lately, probably related to the imminent implementation date of the Privacy Rule on April 14, 2003. For some of us, the term “HIPAA” (or “Health Insurance Portability and Accountability Act of 1996”) is synonymous with privacy. However, that’s not the whole story.

The Health Insurance Portability and Accountability Act of 1996 was published by the Office of Civil Rights (OCR) and had four sections:

- health insurance portability,
- fraud and abuse protections,
- administrative simplification, and
- health care privacy.

The sections dealing with health insurance portability and fraud and abuse protections were implemented a number of years ago.

Administrative simplification adopts national standards for the content and conduct of all health care transactions, adopts a national standard for electronic

transactions, and creates unique national health identifiers for providers, health plans, employers, and individuals. Administrative simplification was implemented (for most providers) last October. Small providers must implement these standards by October 2003.

CMS will enforce the administrative simplification requirements.

The Privacy Rule creates a national floor for the protection of health care information. This rule applies to any health plan, health care clearinghouse, or health provider who transmits any health information in electronic form. Generally, protected health information cannot be used or disclosed unless the disclosure is authorized by the patient or is specifically permitted under the HIPAA regulations.

The Office of Civil Rights will enforce the privacy requirements of the HIPAA rule.

On March 14, 2003, the Survey and Certification Group issued policy memo

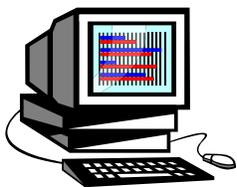
#S&C03-15 which addresses the impact of HIPAA on the survey and certification function, and includes specific information regarding authorization to access health care information during the survey process.

The text of the HIPAA Privacy rule is available at www.hhs.gov/ocr/hipaa/finalreg.html. General information is available at both www.hhs.gov/ocr and www.cms.hhs.gov.

By: Joan Simmons



Aspen Complaint/Incident Tracking System (ACTS)



Moving one step closer to full implementation of the ASPEN Complaints/Incidents Tracking System (ACTS), SAs and ROs installed ASPEN 6.5 into their systems.

Included in this release was:

- regained access to MDS assessment data through ASPEN Central Office (ACO),
- the ability to export complaint/incident data from ACO to ASPEN Survey Explorer (ASE), and
- the option to upload complaint survey data using the Quick Entry 562 feature.

As stated in S&C-03-04, SAs and ROs will be required to enter into ACTS 100% of all intakes received after May 5,

2003 for SNFs, NFs, HHAs, ESRDs, and hospitals. We expect that prior to this date, Central Office will issue guidance related to complaint/incident policy, which, in turn, will assist the SAs and ROs with how to enter data into ACTS. In addition, ASPEN 6.6 will be released and installed the week of April 28, 2003.

For over two years, representatives from the SAs and ROs have supported Central Office by :

1. developing and refining the system requirements for ACTS,
2. constructing policies to improve the management complaints and incidents nationwide, and
3. piloting ACTS and procedural guidelines.

During the seven-State and National Pilots, at the request of several SAs, CMS has con-

sidered whether to allow the transfer of data from an existing State system to ACTS. After evaluating this issue it was decided to not proceed in creating an electronic data interface as a means of data exchange between the State system and ACTS. There were a number of factors influencing the decision including a concern that uploading information from a state system carries the risk of compromising the accuracy of national data, the potential inconsistent application of policies and procedures and the ongoing cost of system upgrades and maintenance of an interface.

As we go forward with full implementation, Central Office will continue to work with the SAs and ROs in identifying and resolving issues.

Elaine Lew



Survey and Certification Leadership Summit

April 7-10 are the dates for the State Agency/CMS Leadership Summit in Baltimore, Maryland.

The conference begins with management meetings on Monday and continues Tuesday through Thursday with joint sessions.

Leslie Norwalk, Acting Deputy Administrator, is expected to give a key note speech on Tuesday.

Saying Goodbye....



Dan Dolan Retires



Gene Grasser Retires

Survey and Certification Personnel News

Gloria Speller—Philadelphia RO

Gloria has been a member of the CMS family for over eleven years. Prior to her promotion to the CSCOM position, she was a Nurse Consultant/Health Quality Review Specialist in Region III. In her former role she was known for her leadership and clinical expertise in the survey process. Gloria was also a participant with Central Office on several projects over the past few years, including the Cross Regional Teams that resulted in the initiation of the new survey process.

Prior to joining CMS, Ms. Speller has enjoyed an impressive history of 36 years of nursing experience in various settings. In her most recent position, Gloria was a Director of Nursing at a long term care facility in Maryland, where she gained invaluable experience toward her career path.

Gloria is also a firm believer in the value of a solid education and has continued her quest for

seeking knowledge as demonstrated by her recent success in attaining her Master of Science in Administration last year.

Kellie Condon — San Francisco RO

Kellie M. Condon, Ph.D. joined CMS as Western Consortium Survey and Certification Operations Manager in February 2002. She has an extensive history of working in public service and healthcare. She served in the U.S. Air Force for four years as a Clinical Psychologist and Chief of Psychological Services and Substance Abuse Services. After Dr. Condon completed a Forensic Fellowship at Patton State Hospital, she was employed for approximately five years at the Veteran Affairs Central California Healthcare System in Fresno, California. Her position was Chief of the Chemical Dependence Treatment Programs.

While in Fresno, she worked on completing her Masters in Business Administration at California State University, Fresno. Serving on various community boards such as the Fresno Area Psychological Association and currently serving as a charter member of the Oversight Committee of the Lawyers Assistance Program for the California State Bar has provided her with a broad appreciation of current social concerns. She completed her undergraduate Bachelor of Arts degree at University of California at Irvine where she earned a double major in Psychology and Economics. Her Master of Arts in General/Experimental Psychology is from California State University, Long Beach. Following her Masters, she earned her doctorate in Clinical Psychology at Brigham Young University. She completed her internship at Malcolm Grow Medical Center, Andrews Air Force Base in Maryland.



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**Survey & Cert
Letters on the
Web— www.cms.gov**

**Recent Survey & Certification
Letters Related to Nursing
Homes**

S&C-03-15: Review of Protected Health Information and Applicability of Business Associate Agreements Under the Health Insurance Portability and Accountability Act (HIPAA) for the Purposes of Survey and Certification.

Web Address

<http://www.cms.hhs.gov/medicaid/lcsp/lcsmemos.asp>



Bits and Pieces

Informal Dispute Resolution— State legislatures have been busy proposing various proposals for IDR. **Minnesota** is proposing using their State ALJ's to make binding decisions and using CMP funds; **Indiana** is proposing using the Michigan QIO to conduct independent IDR funding through provider user fees.... CMS has provided written feedback to regions on both proposals. The **Complaint Improvement Project (CIP)** report has been approved for public release and staff are working

on a roll-out plan.... **FY'2002 State Performance reports** were released to States in mid-March..... **FY'2003 state performance standards** were sent out March 26 to States and ROs for review and comment before becoming final. A fond farewell to **Gene Grasser** and **Dan Dolan** who both retired in March. Both will be a big loss to the survey and certification program....**Peter Schmidt** (GAO) who spent much of his time evaluating the nursing home program also retired.

Highlights & Upcoming Events

March	April	May
<ul style="list-style-type: none"> ■ Nursing Home Open Door Teleconference—March 25, 2003 (4-5 pm. EST) 	<ul style="list-style-type: none"> ■ Leadership Summit—April 7-10th – Baltimore, MD ■ Survey & Certification Call— April 3rd—2pm (est) April 17— 2pm ■ Basic Long Term Care— April 28-May 2; Orlando, Florida ■ LTC Open Door Call —April 29th—4-5 pm (est) 	<ul style="list-style-type: none"> ■ MDS 3.0 Town Hall Meeting/Satellite—May 6, 2003