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HEALTH AFFAIRS
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TRICARE
MANAGEMENT
ACTIVITY

MEMORANDUM FOR DEPUTY SURGEON GENERAL OF THE ARMY
DEPUTY SURGEON GENERAL OF THE NAVY
DEPUTY SURGEON GENERAL OF THE AIR FORCE

SUBJECT: Request To Appoint Military Treatment Facility/Dental Treatment Facility Health Insurance Portability and Accountability Act Privacy Officer

The purpose of this letter is to request that a Privacy Officer (PO) be appointed at each Military Treatment Facility (MTF) and Dental Treatment Facility (DTF) in the Military Health System.

The Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191, was enacted August 21, 1996. The purpose of the Act is to improve the portability and continuity of health insurance coverage, improve access to long term care services and coverage, and to simplify the administration of healthcare. A primary component of HIPAA administrative simplification provisions is the protection and privacy of individually identifiable health information. The HIPAA Privacy rule was signed in December 2000. Although a modification to the final rule has been proposed which will amend it, full compliance with the requirements of the HIPAA Privacy rule must still be met by April 14, 2003. The Department of Defense (DoD) HIPAA Privacy regulation, which will be completed after the modification to the final rule is completed, will describe how the Military Health System (MHS) will implement the rule.

To meet the requirements of the HIPAA Privacy rule and the DoD HIPAA Privacy regulation, a PO must be appointed at each covered entity, i.e., medical and dental facility. (Based on the size and complexity of the MTF/DTF, latitude is given to allow a PO to be responsible for more than one facility in a geographic area when smaller facilities can share resources under a mutually acceptable agreement.) The PO will be the MTF/DTF point of contact for HIPAA Privacy implementation and receive training and guidance from the respective Service HIPAA Program Office and the TRICARE Management Activity (TMA) HIPAA Office. Suggested roles and responsibilities are described in the attachment to this memorandum. It is imperative that the person selected as the MTF/DTF Privacy Officer have the requisite experience, knowledge and authority to develop, implement and monitor the privacy practices, policies and procedures throughout the facility.

The HIPAA Privacy Rule also required that each covered entity have a process in place to review and address patient privacy concerns. The MTF/DTF may use existing committee structures or some other functional entity within the facility to satisfy this requirement at the local level. Regardless of the approach used, the facility PO must be actively involved in this process.

Please forward for each MTF/DTF, the name, rank, phone number and e-mail address of the appointed PO to your individual Service HIPAA Privacy Project Officer or TMA HIPAA Privacy Working Integrated Project Team (WIPT) Service representative. If you have questions, contact the TMA HIPAA Privacy Project Officer, CDR Sam Jenkins at 703-681-5611 ext. 6824, or by e-mail at Sam.Jenkins@tma.osd.mil.

Leonard M. Randolph, Jr.
Maj Gen, USAF, MC
Deputy Executive Director

Attachment:
HIPAA Privacy Officer Roles and Responsibilities

HIPAA PRIVACY OFFICER
ROLES AND RESPONSIBILITIES

Organizational Need/Function: The Privacy rule of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191, requires each covered entity, i.e., medical and dental treatment facility, to appoint a Privacy Officer (PO). The PO oversees all ongoing activities related to the development, implementation, and maintenance of military treatment facility (MTF)/dental treatment facility (DTF) policies and procedures covering the access to and privacy of patient health information. The PO ensures adherence to Military Health System (MHS) policies and procedures covering these same areas. The PO also ensures MTF/DTF compliance with federal and state laws and the healthcare organization's information privacy practices, and leads initiatives to strengthen patient information privacy protections. The PO seeks to address privacy issues by balancing patient needs and the organization's requirements when making decisions related to patient health information.

Responsibilities:

Policy Implementation, Oversight, Auditing and Compliance

- Develop policy and procedures for local implementation of the DoD HIPAA Privacy regulation requirements.
- Maintain current knowledge of applicable federal, DoD and state privacy laws, accreditation standards, and DoD and Service regulations. Monitor advancements of emerging privacy technologies to ensure that the MTF/DTF is positioned to adapt and comply with these advancements.
- Establish and recognize best practices relative to the management of the privacy of health information.
- Serve as a liaison to the MTF/DTF Medical Information Security Readiness Team (MISRT).
- Perform initial and periodic information privacy risk assessments and conduct related ongoing compliance monitoring activities in coordination with applicable Service directives and the TMA HIPAA Office. Report findings as required.
- Ensure a mechanism is in place within the MTF/DTF for receiving, documenting, tracking, investigating, and taking action on all complaints concerning the organization's privacy policies and procedures in coordination and collaboration with other similar functions and, when necessary, legal counsel.
- Establish a mechanism which tracks access to protected health information, within the purview of organizational policy and as required by law, and allows qualified individuals to review or receive a report on such activity.

Education, Training and Communication

- Oversee, direct, and ensure delivery of initial privacy training and orientation to all employees, volunteers, clinical staff, business associates, and other appropriate third parties. Record results in compliance with MTF/DTF training documentation policies. Ensure annual

refresher training is conducted in order to maintain workforce awareness and to introduce any changes to privacy policies.

- Initiate, facilitate and promote activities to foster information privacy awareness within the organization and related entities.

- Serve as the advocate for the patient, relative to the confidentiality and privacy of health information.

MTF Integration Activities

- Understand the content of health information in its clinical, research, and business context.

- Understand the decision-making processes throughout the MTF/DTF that rely on health information. Identify and monitor the flow of information within the MTF/DTF and throughout the local healthcare network.

- Serve as privacy liaison for users of clinical and administrative systems.

- Review all system-related information security plans throughout the MTF/DTF network to ensure alignment between security and privacy practices, and act as a liaison to the information systems department.

- Collaborate with other healthcare professionals to ensure appropriate security measures are in place to safeguard protected health information.