

Compliance for Contractors Quarterly Meeting

Presented by

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Presentation Overview

- Welcome and Introductions
- Announcements
- Agenda Items Submitted
- Health Care Compliance Association Conference Materials
- Corporate Integrity Agreements



Questions Submitted

1. Is it possible to protect client data through technology such as cloud data base?
2. Is it okay to use google docs, dropbox, etc. for transferring client data?

Per **HIPAA §164.312 Technical safeguards** addresses:

- Access Controls
- Audit Controls
- Authentication
- System Security



Questions Submitted, Cont.

1. Does the “Conditions of Participation” federal law apply to CA Community Mental Health Centers? Yes; however DBH is not considered a Community Mental Health Centers as they are defined as:
 - Is an entity that meets applicable licensing or certification requirements for CMHCs in the State in which it is located; and
 - Must provide all of the following core services:
 - Outpatient services, including specialized outpatient services for children, the elderly, individuals who are chronically mentally ill, and residents of the CMHC’s mental health service area who have been discharged from inpatient treatment at a mental health facility;
 - 24 hour-a-day emergency care services;
 - Day treatment, or other partial hospitalization services, or psychosocial rehabilitation services; and
 - Screening for patients being considered for admission to State mental health facilities to determine the appropriateness of such admission.



Corporate Integrity Agreements (CIA)

The Office of Inspector General (OIG) negotiates corporate integrity agreements (CIA) with health care providers and other entities as part of the settlement of Federal health care program investigations arising under a variety of civil false claims statutes. Providers or entities agree to the obligations, and in exchange, OIG agrees not to seek their exclusion from participation in Medicare, Medicaid, or other Federal health care programs.



CIA's, cont.

CIA's have many common elements, but each one addresses the specific facts at issue and often attempts to accommodate and recognize many of the elements of preexisting voluntary compliance programs. A comprehensive CIA typically lasts 5 years and includes requirements to:



CIAs, Cont.

- Hire a compliance officer/appoint a compliance committee;
- Develop written standards and policies;
- Implement a comprehensive employee training program;
- Retain an independent review organization to conduct annual reviews;
- Establish a confidential disclosure program;
- Restrict employment of ineligible persons;
- Report overpayments, reportable events, and ongoing investigations/legal proceedings; and
- Provide an implementation report and annual reports to OIG on the status of the entity's compliance activities.

* Failure to follow the rules outlined in an CIA can result in permanent debarment



Accounting of Disclosures

- Accounting does not have to be kept for disclosures for the following purposes:
 - TPO: treatment, payment or operations as defined by HIPAA
 - To the person requesting him/herself (if minor, no need to log when parent/legal guardian requests minor's PHI)
 - To another covered entity for permitted uses and disclosures
 - If released based on an authorization from the client



Accounting of Disclosures, Cont.

- Accounting of disclosure must include for each disclosure the following:
 - Date of disclosure
 - Name of the person or entity who received PHI and address if known
 - Brief description of the PHI disclosed
 - A brief statement of the purpose or a copy of the request
- Title 45, Section 164.528 (b)(3) is not applicable since the disclosures were not to covered entities and because the disclosure required an authorization.



Food for Thought

Knock, Knock
Who's there?
HIPAA!

HIPAA Who?

Sorry, I can't tell you that....



Compliance Questions

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