

# LeVan Chiropractic

## **HIPAA Compliance:**

### **Summary:**

- You must HIPAA comply if you meet the following criteria.
- You must have all patients sign the privacy agreement and the notice of receipt of the policy.
- If you do not meet the HIPAA requirements to comply then continue to follow the patient confidentiality and privacy policies and protect the release of any patient information in your office.

Analyzing the Administrative Simplification Act, and HIPAA Privacy regulations; the three elements that are necessary for a health care provider to be a “covered entity” are:

- (1) satisfying the definition of a health care provider;
- (2) engaging in one or more HIPAA Transactions;
- (3) engaging in a HIPAA transaction electronically, or having someone do so electronically on behalf of the provider. (healthcare clearing house)

### **Law reference on HIPAA Compliance:**

45 C.P.R. § 160.103. Obviously, doctors of chiropractic are health care providers. The issue is whether they engage in any “transaction” defined by the HIPAA Privacy statute and regulations and do so electronically.

The term “Transaction” in the dictionary means to “send” and is defined as follows:

The transmission of information between two parties to carry out financial or administrative activities related to health care. It includes the following types of information transmissions:

- Health care claims or equivalent encounter information;
- Health care payment and remittance advice;
- Coordination of benefits;
- Enrollment and disenrollment in a health plan;
- Eligibility for a health plan;
- Health plan premium payments;
- Referral certification and authorization;
- First report of injury; and
- Health claims attachments.

Even if you are not required to comply with HIPAA you must still comply with state law confidentiality requirements.

Potential licensure disciplinary action for improperly disclosing protected health information obtained within the confines of the doctor-patient relationship, which could form the basis of licensure disciplinary action pursuant to 49 Pa Code 5.81 (1) (i), Superior Court.