

# Chiropractic Office Managers

April 5, 2011

Hey Everyone!

Many questions continue to come in about HIPAA. Your questions will be published anonymously and answered in our e-newsletters. This way everyone benefits.

**Question:** Edie, I have two colleagues that have recently received a complaint investigation letter from Health and Human Services, Office of Civil Rights. Patient filed a HIPAA complaint against them. As part of the investigation, they were asked to send in a copy of their HIPAA clinic policies and procedures manual. This is the first I have heard of this happening. I am a cash only practitioner. I am worried. Can this happen to me?

**Answer:** I decided that with this question I would put in a call into the HHS, OCR and speak with one of their investigators. I know what the law says defining a "covered entity" but let's clarify this from the source. HITECH has changed HIPAA in many

**My question to the OCR field investigator: "Since more and more doctors are being investigated, I need some clarification. If a patient calls or submits a written complaint against a doctor that is not required to be HIPAA compliant, will they be investigated?"**

**HHS OCR's response was: "YES, there will be an investigation. A letter will be sent to the doctor notifying them of the complaint. It is up to the doctor to respond to the complaint appropriately."**

What I suggest, doctor, is that if you know you are not required to be HIPAA compliant, have a letter drafted now. Might be a good idea to have your attorney draft it. When they receive a complaint letter from HHS, Office of Civil Rights, just send that letter to them as your response.

HHS Definitions:

**Covered Entity** The law states that you are a covered entity and required to be compliant if you are a Health care provider who transmits any health information in electronic form in connection with a transaction.

**Health care provider** means a provider of services as defined in section 1861(u) of the Act, 42 U.S.C. 1395x(u), a provider of medical or other health services as defined in section 1861(s) of the Act, 42 U.S.C. 1395x(s), and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.

So there you have it. The only way to not have to worry about HIPAA is to be completely prepared.

So keep it simple and let us get started.

**Now you know if you ARE classified as a "covered entity" according to the law and are required to be compliant, are you?**

**Find out for yourself.**

[HIPAA Privacy Checklist](#)

[HIPAA Security Checklist](#)

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**Visit my website and buy the HIPAA Privacy and HIPAA Security Policies and Procedures manual, as well as, the HIPAA HITECH updates for 2010.**

[http://www.iccom.org/index\\_files/ICCOMProducts.html](http://www.iccom.org/index_files/ICCOMProducts.html)

email me with any questions you may have: [\(click here to email me\)](#)