



## The Vita Viewpoint Important Information for Decision Makers

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### HIPAA Privacy Training & Documentation

#### Overview

The Health Insurance Portability and Accountability Act (HIPAA) is the federal law that establishes standards for the privacy and security of health information, as well as standards for electronic data interchange (EDI) of health information. HIPAA aims to improve accountability in part through what it calls administrative simplification -- a term that roughly translates as, "promoting efficiency." HIPAA regulations are divided into four Standards or Rules: (1) Privacy (discussed here), (2) Security, (3) Identifiers, and (4) Transactions and Code Sets.

HIPAA's Privacy Rule mandates that every covered entity provide privacy training for "all members of its workforce with respect to the policies and procedures" regarding the use and disclosure of protected health information (PHI), "as necessary and appropriate for the members of the workforce to carry out their function within the covered entity."

Initial training must be provided within a reasonable period subsequent to hiring, with retraining thereafter as often as appropriate. A recommended cycle for retraining is not specified in the regulations. Retraining is also required for anyone "whose functions are affected by a material change in the policies or procedures ... within a reasonable period of time after the material change becomes effective."

Covered entities must document that such training has been provided. HIPAA regulations do not provide any guidance as to the form or content of this training. The Department of Human Health Services (DHHS) has been clear in its commentary that such specifics are left to the "reasonable discretion" of the organization. Covered entities are not required to have members of its workforce sign a statement certifying they have completed training or promising compliance with policies. Covered entities are free to use any "appropriate mechanism" to document workers' compliance with the training requirement.

#### Commentary

A covered entity is required to provide training for the members of its workforce that may come into contact or work with PHI. Covered entities are free to create the contents of the training and documentation that such training took place can be as easy as maintaining a list of employees who have received training and as of what date. As for business associates, a covered entity is neither mandated to provide training nor required to monitor business associates' training efforts.

***For questions or additional information, please contact Vita Benefits Group at (650) 968-8811.***