

HIPAA SYNOPSIS

Protecting Personal Health Information

In 1996, Congress passed the Health Insurance Portability and Accountability Act (HIPAA). A portion of that legislation mandated the development of laws to protect the privacy of patients' medical information. In response, the U.S. Department of Health and Human Services (HHS) enacted extensive regulations. For the most part, those regulations took effect on April 14, 2003. The HIPAA legislation is concerned with protecting information that is transmitted electronically, in paper form and orally. Because violations of the HIPAA regulations can result in fines of hundreds of thousands of dollars and prison terms, facility managers and design professionals need to know how HIPAA affects the overall design of their occupants' and clients' medical workspaces and facilities.

COVERED ENTITIES

The Privacy Regulations govern healthcare providers, hospitals, pharmacies, billing agencies, physician offices, health information systems vendors, healthcare plans, life insurers, military medical bases, public health authorities, employers dealing with health information, public health authorities, service organizations and clearinghouses. The regulations also cover business associates of the healthcare professionals, including attorneys, accountants, peer review organizations and medical records copying services. They also cover healthcare records in clinics maintained by employers, universities, and others.

NEW REGULATION

The new rules explicitly permits "incidental uses" of personal health information **only to the extent** that the covered entity has applied "reasonable safeguards" and implements a "minimum necessary standard" where applicable. HHS says that an "incidental use" is a use that:

1. Cannot reasonably be prevented
2. Is limited in nature, and
3. Is a by-product of an otherwise permitted use.

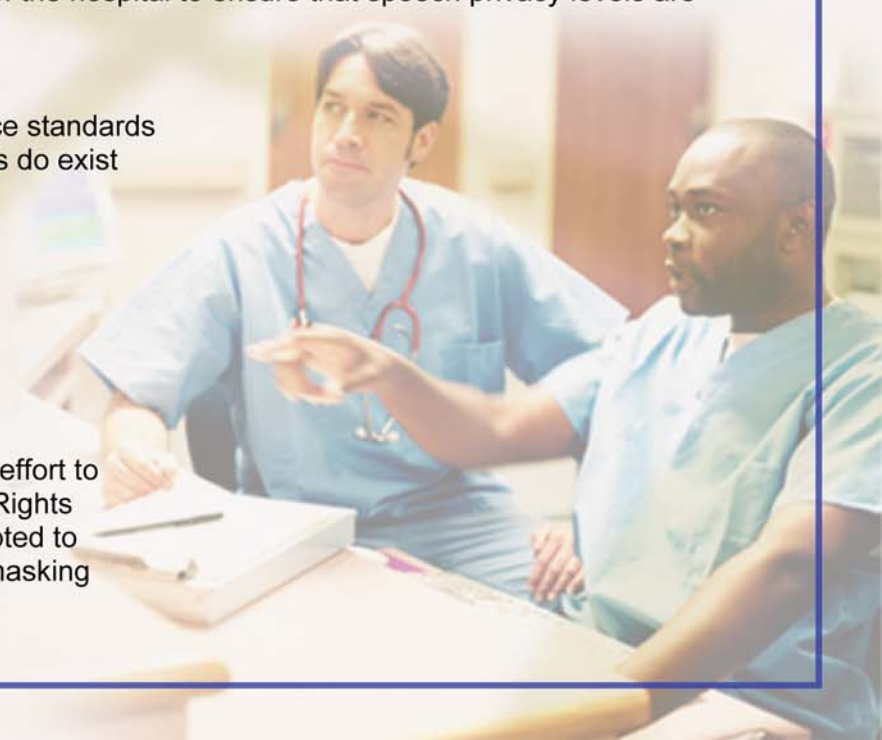
One key question is how HHS will define "reasonable safeguards." In determining whether a facility has taken reasonable precautions to avoid having conversations overheard, HHS says it will look to what other "prudent" providers are doing to protect confidentiality. It may also look to what the same facility has done in other areas. For example, if the hospital director's office has sound masking, HHS may require sound masking for other areas of the hospital to ensure that speech privacy levels are maintained.

TESTING STANDARDS

As of this writing there were no HHS guidance standards for oral privacy. However, industry standards do exist and oral privacy can be measured.

These standards are defined by ISO, ANSI, and ASTM. Under the ASTM (American Society for Testing and Materials) standard, quantifiable benchmarks for speech privacy can be achieved.

It is important to document safeguards in an effort to provide proof to HHS and the Office of Civil Rights (OCR) that the facility in question has attempted to provide adequate protections. Your sound masking



provider should provide you with a document that provides quantifiable evidence that your facility has installed a background sound masking system that meets ASTM standards for speech privacy.

Be wary of any company or product that claims that it is “HIPAA compliant.” There is no such company or product that can accurately make this claim, as compliancy is determined through an auditing process completed by HHS or OCR or delegates of these organizations.

PROVEN RESULTS

Lencore’s Sound Masking has been independently tested and has been proven to provide both “confidential” and “normal” speech privacy. Using ASTM standard testing procedures, Lencore was evaluated to meet the requirements for oral privacy. The results concluded that speech (oral) privacy was obtained and significantly improved with the addition of Lencore’s sound masking system.

DESIGNING A COMPREHENSIVE PRIVACY PLAN

Together with a comprehensive privacy plan, we believe that oral privacy can be achieved with the use of sound masking and reasonable safeguards can be demonstrated by meeting and documenting industry standards for speech privacy.

There are several components to a successful and comprehensive oral privacy plan. We suggest training your staff and employees to keep in mind the following when dealing with patients, clients, and speaking to other staff members.

1. Talk discreetly and in a lower tone of voice when discussing health care concerns with a client.
2. Placards should be placed visibly to remind staff and clients to speak in a normal voice so that speech privacy is observed.
3. Clients should be advised to keep appropriate physical distance from pharmacy counters, consultation areas and check in desks while waiting in line or for medical staff assistance.
4. Acoustical panels near consultation areas may be an additional option to absorb sound.
5. Use quality ceiling tile with high acoustical properties.
6. Incorporate a quality sound masking system for measurable speech privacy.

* * * * *

Lencore Acoustics Corp. has been providing oral privacy solutions to financial, corporate, government, and healthcare environments with their background sound masking systems since 1990. Our principals and engineers have over 40 years experience in innovative sound masking technologies and bring a time-tested approach to protecting speech privacy and confidentiality. Lencore welcomes the opportunity to work with you to provide your facilities with proven methods for securing personal health information that is communicated orally during your regular course of business.

Ask about Lencore’s Sound and Privacy Evaluation and Criteria (SPEC™) software program, a sound masking tool that can provide documentation that the achieved speech privacy levels reached with sound masking meet industry standards.

Lencore sound masking systems provide clients with the right sound for their unique applications. Whether a client requires a sound masking system with networked controls; a self-contained in-plenum system; or a direct fired system; Lencore provides systems with key features and customization options. In addition, Lencore systems are UL listed for use in air-handling spaces and may provide LEED credits for Acoustics.

Lencore Acoustics Corp.

1 Crossways Park Drive West • Woodbury, NY 11797

(P) 516-682-9292 • (F) 516-682-4785 • email: info@lencore.com

www.lencore.com

This synopsis was designed to provide a brief overview of HIPAA and to suggest an industry accepted practice for achieving speech privacy. Due to the nature of the legislation, no company or product should guarantee HIPAA compliance. Lencore therefore does not represent or warrant that installation of their products guarantee compliance.

Lencore
Acoustics Corp.