



California  
Department of  
Health Services

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**Department of Health Services**



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Index: HIPAA

**TO:** ALL CALIFORNIA CHILDREN'S SERVICES (CCS) COUNTY ADMINISTRATORS, CHIEF/SUPERVISING THERAPISTS, MEDICAL DIRECTORS/CONSULTANTS, STATE CHILDREN'S MEDICAL SERVICES (CMS) BRANCH AND REGIONAL OFFICE STAFF

**SUBJECT:** DEPENDENT AND INDEPENDENT COUNTY CCS MEDICAL THERAPY PROGRAM GUIDELINES FOR DEVELOPMENT OF POLICIES AND PROCEDURES FOR IMPLEMENTATION OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

## **I. BACKGROUND**

The purpose of this numbered letter is to provide dependent and independent county CCS Medical Therapy Programs (MTP) with guidelines for the development of policies and procedures for compliance with the implementation phase of the HIPAA Privacy Rule. As you are aware, the HIPAA Privacy Rule creates national standards to protect protected health information (PHI) and gives clients and their legal representatives increased access to their health information. In 2003, the CMS Branch notified county CCS programs and MTPs of the need to inform clients and their legal representatives of their right to receive adequate notice of how their health information will be used and the program's legal duties regarding the protection of health information. An MTP Notice of Privacy Practices (NPP) was provided, in template form, for programs to use in meeting notification requirements of the HIPAA Privacy Rule. CCS MTPs were notified that, effective April 14, 2003, all county CCS MTPs were to provide MTP clients and their legal representatives with an NPP. Guidelines were also established for the provision of NPPs to new CCS program clients.

The CMS Branch has developed customized CCS MTP template forms, which may be used by county CCS MTPs to assist in complying with the HIPAA Privacy Rule when responding to requests for health information.

## **II. POLICY**

CCS MTPs, as health care providers of physical therapy (PT), occupational therapy (OT), and medical therapy conference (MTC) services, are required to comply with the HIPAA Privacy Rule, which limits the uses and disclosures of the health information of a MTP child.

Each CCS MTP is required to establish written policies and procedures, which ensure the confidentiality and security of PHI when it is transferred, received, handled, or shared. CCS MTPs are to comply with policies, as set forth in the HIPAA Privacy Rule, the CCS Case Management Procedures Manual, and in the CMS Branch Numbered Letter 05-0403.

## **III. POLICY IMPLEMENTATION**

- A. Each county CCS MTP that operates a Medical Therapy Unit (MTU) or Medical Therapy Conference (MTC) is required to:
1. Ensure the internal protection of health information and implement:
    - a) Physical safeguards (i.e., storage of PHI in locked drawers and rooms),
    - b) Administrative safeguards (i.e., staff participation in safeguard training), and
    - c) Technical safeguards (i.e., use of computer passwords and timed, password-protected screen savers).
  2. Implement procedures for clients and legal representatives to request access to and amend their health information (i.e., development of specific procedures and flowcharts for handling requests submitted to CCS MTPs which comply with timeframes specified in the HIPAA Privacy Rule);
  3. Develop mechanisms for the accounting of certain disclosures as specified in the HIPAA Privacy Rule. (i.e., use of an accounting of disclosures tracking log or database tracking system).
  4. Have in place contracts and agreements with business associates that ensure the protection of PHI, which is shared or traded by April 14, 2004.

5. Designate and train staff person(s) to handle requests for access and other privacy issue(s);
  6. Enforce penalties for misuse or inappropriate use of PHI; and
  7. Create and make available documentation regarding the compliance with all the requirements of the HIPAA Privacy Rule.
- B. Each county CCS MTP that operates an MTU or MTC is to develop appropriate forms to provide clients or their legal representatives for completion when requesting access or amendments to their PHI.
- C. County CCS MTPs may use the CCS MTP templates developed by the CMS Branch, and approved by the DHS Privacy Officer. (Note: Electronic copies of the CCS MTP templates used for requesting access or amendments to PHI can be obtained at the CCS website:  
<http://www.dhs.ca.gov/PCFH/CMS/CCS/hipaa/hipaamp.htm>)
- D. Request for Access Forms developed by county CCS MTPs should be approved by county legal counsel prior to use.

If you have questions regarding this information, please contact your Regional Office Therapy Consultant.

**Original signed by Marian Dalsey, M.D., M.P.H.**

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