

Call Centers Take a Comprehensive Approach to HIPAA Privacy Training

by Susan Hash

Privacy policies and training are now part of the ongoing mission for many centers in the health care industry.

Last April, the privacy regulations of the Health Insurance Portability and Accountability Act (HIPAA) went into effect amid widespread confusion. Misinterpretations of the Privacy Rule, which is broad and ambiguous, has caused some health care organizations to err on the side of safety by refusing to release any personal medical information to avoid a potential violation.

Taking a better-safe-than-sorry approach is not always a viable solution in

a call center environment, the very nature of which revolves around communication and information-sharing between agent and caller. However, agents who work in call centers that handle protected health information (see box, page 4) can expose the organization to civil and criminal penalties if they don't understand the Privacy Rules.

"If call center agents haven't been appropriately trained to field the incredibly vast universe of questions that could be presented to them by a wide variety of individuals, who may or may not be the patient, each instance is a potential a risk to the organization," says Randa Upham, principle and director of Program Development Services for Phoenix Health Systems, a health care information systems consulting and outsourcing

services firm, and sponsors of the HIPAA Advisory Web site (www.hipaadvisory.com) "Some organizations have done an excellent job training their staff on the Privacy Rule as it relates to their own particular job. Others have taken the minimalist approach to ensure that they completed some training by the [April 14th] deadline."

Drilling Down to Function-Specific Procedures

What's causing all the frustration? Call centers basically have had to blaze their own trails toward compliance. There are no set guidelines, checklists or one-size-fits-all solutions. The Privacy Rule itself provides little guidance on training content, stating that it should cover: "the policies and procedures with respect to protected health information, as necessary and appropriate for the members of the workforce to carry out their function within the covered entity" (for details on covered entities, see "Call Centers and HIPAA: Who Does It Affect?" on page 4).

The regulation essentially recognizes the uniqueness of business operations and varying risks for all of the organizations covered under HIPAA, says Margret Amatayakul of Margret\A Consulting LLC, and author of *HIPAA Made Simple: A Guide to Fast-Tracking Compliance*. "The law basically says, 'These are the issues that need to be addressed, but how you do that is up to you.' You have to figure out what would be most appropriate for your situation," she says.

Because the privacy laws are intricate and situational, many organizations have a designated HIPAA individual or team charged with initial and ongoing compliance efforts.

"You definitely need a HIPAA guru," says Trenita Ward, director of health care organization Kaiser Permanente's Calif-

What Is HIPAA?

The Health Insurance Portability and Accountability Act (HIPAA) is the first-ever federal privacy standards to protect patients' medical records and other health information provided to health plans, doctors, hospitals and other health care providers. Developed by the Department of Health and Human Services (HHS), the standards provide patients with access to their medical records and more control over how their personal health information is used and disclosed. The standards represent a uniform, federal floor of privacy protections to consumers across the country. State laws providing additional protections to consumers are not affected by this new rule.

Congress called on HHS to issue patient privacy protections as part of HIPAA. HIPAA included provisions designed to encourage electronic transactions and also required new safeguards to protect the security and confidentiality of health information. The final regulation covers health plans, health care clearinghouses, and those health care providers who conduct certain financial and administrative transactions (e.g., enrollment, billing and eligibility verification) electronically.

For the average health care provider or health plan, the Privacy Rule requires activities, such as:

- Notifying patients about their privacy rights and how their information can be used.
- Adopting and implementing privacy procedures for its practice, hospital or plan.
- Training employees so that they understand the privacy procedures.
- Designating an individual to be responsible for seeing that the privacy procedures are adopted and followed.
- Securing patient records containing individually identifiable health information so that they are not readily available to those who do not need them.

Source: U.S. Department of Health & Human Services, www.hhs.gov

ornia Region Member Service Call Center. “You need someone who can get their arms around the legislation, understand it and be the go-to person between your staff and the HIPAA team.”

To develop privacy training for its employees organizationwide, Kaiser Permanente put together a HIPAA team for each of its regions. The teams were responsible for interpreting the legislation and developing a HIPAA training tool, which they then provided to each department.

At Kaiser’s California Region Member Service Call Center, a project manager assigned to HIPAA then worked the call center training team to develop a specific program for its agents, who interact with members, providers and purchasers.

Similarly, national health benefits company First Health has a designated privacy officer who leads and maintains corporatewide compliance efforts, as well as inhouse counsel who monitor legislative, regulatory and other developments in the Privacy Law. In addition, First Health conducted internal research to fully understand how the regulations applied to their organization.

Definition of Protected Health Information

HIPAA regulations define protected health information as “any information, whether oral or recorded in any form or medium” that

- Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and
- Relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual.

The organization’s Health Benefits Administration call centers employ approximately 800 agents across seven major sites. The entire call center staff was surveyed to determine what type of private health information they were in contact with, says Susan Oberling, First Health’s senior vice president of Health Plan Administration. Based on that information, policies and procedures were developed or modified to address the regulations.

HIPAA training was then developed for each of the various functions oriented to the specific services agents provide, as well as the relevance of the regulations to each service, says Oberling.

Applying Privacy Rules to the Front Line

Because of the complexity of the Privacy Rule and the diversity of inquiries agents may come up against, they need to understand how the regulations apply to their particular job functions.

“The bottom line is, you have to know the rules,” says Upham. “But do agents need to know the rules as a lawyer would need to? That’s not feasible, and it’s not reasonable for a call center agent whose goal is to be helpful and service-oriented.”

She recommends a training program that begins with an explanation of privacy, the basic rules, what it means to agents in their specific jobs, typical scenarios they may encounter, and how to respond to each.

“Don’t limit training to lecture and classroom. Agents have to understand the privacy rules for the typical kinds of scenarios they’re going to be presented with,” Upham says. “There’s no black and white – they have to be able to think about what they can and cannot say.”

Using plenty of scenarios with role-playing will help agents to better grasp how to apply the Privacy Rules. “The types of calls they handle don’t typically fall into four or five categories,” Upham says, so develop scenarios that represent a wide variety of situations. Allowing agents to come up with the call scenarios themselves will get them thinking about the types of calls they receive and help them to recognize how the training applies on the job.

Not a Once-and-Done Event

Although, under HIPAA, workforce training for privacy procedures was supposed to be completed last April, it’s really a continuous education process.

To follow up its initial HIPAA train-

Call Centers and HIPAA: Who Does It Affect?

The HIPAA privacy rule covers health plans, health care clearinghouses and health care providers that conduct certain financial and administrative transactions electronically, such as electronic billing and fund transfers. These “covered entities” are bound by the privacy standards even if they contract with others (i.e., “business associates,” see below) to perform some of their essential functions. Internal call centers that are part of a health care organization’s operations may be considered a covered entity. Outsourced call centers are considered business associates of a covered entity.

The Privacy Rule requires that a covered entity obtain satisfactory assurances from its business associate that the business associate will appropriately safeguard the protected health information it receives or creates on behalf of the covered entity. The satisfactory assurances must be in writing, whether in the form of a contract or other agreement between the covered entity and the business associate.

WHAT IS A BUSINESS ASSOCIATE?

- A “business associate” is a person or entity that performs certain functions or activities that involve the use or disclosure of protected health information on behalf of, or provides services to, a covered entity.
- A member of the covered entity’s workforce is not a business associate.
- A covered health care provider, health plan, or health care clearinghouse can be a business associate of another covered entity.

Business associate functions and activities include: claims processing or administration; data analysis, processing or administration; utilization review; quality assurance; billing; benefit management; practice management; and repricing.

Source: U.S. Department of Health & Human Services, www.hhs.gov

ing, Kaiser Permanente's California Region Member Service Call Center incorporated all of the ongoing feedback from agents and quality assurance analysts into an eight-hour refresher training course, which they call Boot Camp II.

The call center also created a daily online newsletter to allow agents to get answers to their questions regarding HIPAA processes, policies or clarification on specific situations, says Ward. Those who need immediate clarification on an issue can click on a HIPAA icon on their desktop, which takes them to an online resource tool. And team managers and the HIPAA project manager are available for more detailed inquiries. "We put an infrastructure in place to make sure we're meeting the training needs, but most important, we want to ensure that agents' questions are answered," says Ward.

First Health employs Web-based tools to track individual agents' progress

with HIPAA training and testing. In addition to a confidentiality agreement that every employee must sign, each time agents log-on their computers, a popup message alerts them to the fact that they're about to view proprietary and confidential information, and that the information is to remain confidential. Agents must acknowledge that they understand and accept the confidentiality obligations to proceed.

Agents Need a Supportive Environment

Deciphering HIPAA's Privacy Rule has been, and continues to be, a perplexing exercise for many organizations in the health care industry. Imagine how agents feel when faced with legislation that could result in fines or imprisonment.

"Agents were very concerned about breaking a law and the possibility of

going to jail," says Kaiser Permanente's Ward. "We had to explain to them that we're giving them the training and the tools to get a solid footing – and we're not going to let them fall or fail."

At first, because agents were a little uncomfortable about the Privacy Rule, call-handling times increased, "which was fine," says Ward. "We told them to focus on call quality and ensure that you're doing the right thing."

Call center management also created a supportive environment in which agents are encouraged to report possible violations. In the past month, two minor incidents were reported, she says, "but because we weren't punitive, the agents are buying into the process and taking part in it. It's more important that they understand the process, and try their best. If they make mistakes and bring it to our attention, then we can move forward and make this a part of our business." 