

THE WASHINGTON DEBRIEF

CHIME PUBLIC POLICY
WORKING FOR YOU

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HIPAA

OCR Offers More Clarity on HIPAA Audits

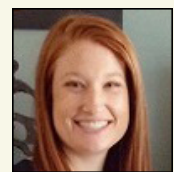
Key Takeaway: Agency will conduct both desk and on-site audits of covered entities and business associates.

Why it Matters: The Office for Civil Rights (OCR) last week shared more details around its audit plans. The agency is targeting a wide range of covered entities (CE), numbering between 200-250, starting with desk audits. A small portion of the overall audits will be more comprehensive on-site audits once the desk ones are complete. While unlikely, it is possible that a covered entity could be selected for both audits. OCR will be asking CE's for a list of their business associates (BA) as they plan on focusing more attention on them as well and expects to begin auditing BA's shortly. During the desk audits, OCR will be auditing on the privacy rule (i.e. notice of privacy practice), the security rule (i.e. security management processes), and breach notification controls (i.e. timeliness of notification). OCR lists Q's and A's on desk audits [here](#). OCR will be performing a webinar for BAs who have been selected for an audit to help set expectations and answer questions. The agency has no plans to post the list of CEs it is auditing and will not reveal what it discovers.

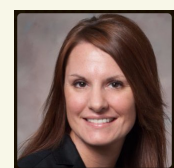
OCR offered two pieces of advice on audits: OCR will alert organizations about the pending inquiry via an email, so don't ignore any inquiries initiated by OCR requesting an audit. It will be a two-part request: one listing the policies, procedures and other documentation being requested, which will need to be submitted via an online portal. Then OCR will request a list of all of the CE's business associates that must be returned to OCR within 10 business days. Second, don't upload extra files to OCR's system following a request for information; the agency won't review this information, so only send what is requested by the auditors. For more information on the audits go [here](#). For more information on audit protocols go [here](#).

You can also stay on top of HHS' alerts and thinking by signing up for a monthly newsletter. HHS began sending them in February. Sign up [here](#). Archived versions of Issues 1-9 can be found [here](#). Go [here](#) to join the OCR listserv.

WORKING FOR YOU IN WASHINGTON



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Thoughts, Questions or
Comments? Please
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MACRA

More Details on the Final Regulation

Key Takeaway: After a more thorough review of the 2,300-page regulation, the Quality Payment Program is coming into focus.

Why it Matters: CHIME continues to cull through the regulation to make heads and tails of what the Centers for Medicare and Medicaid Services (CMS) finalized and what is in store for physicians and clinicians for 2017 in under the new Quality Payment Program (QPP). The program offers two pathways for participation: the Medicare-based Incentive Program (MIPS) and Advanced Alternative Payment Models (APMs). Our readers can find a new CIO Cheat Sheet [here](#) that gives a high-level overview of the rule. One thing for hospital CIOs to keep in mind is CMS finalized the requirements stemming from MACRA which call for providers - both physicians / clinicians and hospitals - to attest that they have not engaged in data blocking and that they are supporting the performance of certified electronic health records (CEHRT) and ONC's surveillance activities. This is discussed in greater depth in our fact sheet.

Another thing that may be of interest to our hospital CIO readers is where CMS landed on hospital-based physicians under the ACI section of MIPS. CMS had proposed that a hospital-based clinician be defined as someone who provides 90 percent or more of covered professional services in a hospital setting (defined by CMS' place of service codes placed on the claim for sites of service 21, 22, and 23). However, under the final rule they decreased this percentage to 75 percent.

It's worth remembering that this is a final rule with comment. Please [contact us](#) if you are interested in participating in our workgroups slated for October 28 and November 11 and 17. All calls will be at 1pm ET.