

Date: August 2, 2001  
To: Executive Directors, Constituent Dental Societies  
From: James B. Bramson, D.D.S., executive director  
Subject: HIPAA Preparations

The American Dental Association is actively involved in preparing material that will facilitate our members' compliance with the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). You will be kept informed of developments as they occur and there will be adequate time to prepare for any necessary changes.

Compliance with the first set of regulations (transactions and code sets) is not scheduled to begin until at least October 16, 2002. The only other regulation that has been published (privacy of protected health information) is undergoing modifications by the Department of Health and Human Services (HHS). The ADA has asked for clarifications and modifications particularly with regard to oral communications and other matters. Compliance with the existing privacy regulation is not required until April 14, 2003. Preliminary guidance from HHS, issued on July 6, 2001, reflects that many of the Association's concerns have been heard. The guidance indicates that changes to the privacy regulation will be forthcoming.

The purpose of this memo is to outline the steps that are already underway.

1. **Ongoing *ADA News* coverage regarding HIPAA developments.** Each release of proposed or final HIPAA regulations has been reported with implications for dentists and ADA comments. Since the first proposed rules were issued in May 1998 more than 20 HIPAA-related articles have been published in *ADA News* to educate and inform our members.
2. **Providing HIPAA resources on ADA.org.** A wealth of information is available at <http://www.ada.org/prof/prac/issues/topics/hipaa/index.html>. This includes all the published articles, links to other HIPAA resources, educational materials, and a case study to allow members to calculate the financial benefits of implementing HIPAA standard electronic transactions to their practice.

- 3. Preparing HIPAA Privacy and Security Kits for members.** As HHS modifies and further clarifies final HIPAA privacy requirements, the Association will develop a compliance kit. The kit will likely include sample policies, procedures, forms, and checklists to assist members in complying with final HIPAA privacy and security requirements, for use in consultation with their professional advisors once HHS has issued additional guidance and clarification.

It is important to note that the kit will address only the federal “floor” created by HIPAA. We encourage constituent and component societies to be ready with information about state and local privacy requirements in dentistry. You should not feel pressure to act prematurely, especially since a number of groups are reportedly developing independent information about state privacy laws. However, it is anticipated that those resources will focus on medical privacy, so tripartite societies may wish to add information regarding dental privacy in their states to supplement the ADA kit. We anticipate ADA materials will be made available at least twelve months prior to required compliance dates.

- 4. Presenting HIPAA updates as requested.** Within the ADA, HIPAA updates have been provided to attendees at a variety of meetings over the last two years. In addition to the Board of Trustees, the Council on Dental Practice, the Council on Government Affairs, and the Council on Dental Benefits Programs, presentations have been made to the Contact Program, Management Conference, Washington Leadership Conference, Constituent Counsel Workshop, Information Technology Committee and Standards Committee on Dental Informatics. These presentations have also been provided to volunteers to use in local and national meetings.
- 5. Planning HIPAA Seminars to begin July 2002.** The ADA’s Council on Dental Practice will soon be accepting requests from states that wish to schedule HIPAA updates. HHS must publish modifications to the final privacy rule before April 14, 2002 for compliance within the healthcare industry by April 14, 2003. This is the first regulation that could have a significant impact on dental practices. Seminars will be offered by the ADA shortly after the requirements are known with certainty.
- 6. Monitoring HIPAA developments and consulting with HHS staff.** ADA volunteers and staff frequently meet with representatives from the Department of Health and Human Services and others responsible for drafting and modifying HIPAA regulations. As a named HIPAA consultant to the Department, the ADA is generally invited to testify at open hearings as well as informal briefings. This permits the free exchange of ideas and an assessment of the impact of proposed issues on the typical dental office.

- 7. Reviewing and evaluating changes to HIPAA standards through the Dental Content Committee (DeCC).** Proposed changes to the HIPAA standard transactions are reviewed by six designated standards maintenance organizations. The Secretary of HHS has named the ADA's Dental Content Committee (DeCC) as one of these six organizations. This Committee evaluates the potential effect of proposed changes on the dental practitioner and makes recommendations concerning adoption or rejection. Since February this year, the DeCC has considered a number of proposed changes to simplify administrative processes in health care.
- 8. Participating in HIPAA implementation efforts with other organizations.** ADA staff and volunteers are actively involved and have leadership responsibilities in several other health care organizations to provide coordination and support for ADA positions. These include the other named HIPAA consultants (Workgroup on Electronic Data Interchange, National Uniform Billing Committee and National Uniform Claim Committee) as well as the Electronic Healthcare Network Accreditation Commission (EHNAC) and the electronic transactions standards development organization (X12).
- 9. Answering questions about HIPAA preparedness and debunking HIPAA myths.** As a result of their active participation with other organizations and the review and comment process, ADA staff members are among the best-informed HIPAA resources available. Several staff members have participated in the development of standards for electronic transactions (X12) that were subsequently adopted for HIPAA. In addition, knowledgeable ADA volunteers and staff are frequent speakers on HIPAA issues.
- 10. Assisting constituent organizations with specific HIPAA issues.** As issues arise, the ADA is prepared to help constituent organizations with specific problems. We assisted the Massachusetts Dental Society and the New York State Dental Association with legislative proposals to require use of the ADA paper claim form to replace proprietary forms. Although paper forms are not addressed by HIPAA, the ADA claim form was the basis for and is most consistent with HIPAA data requirements.

There is considerable misinformation circulating about HIPAA, so we encourage you to seek clarification from the ADA. If you have questions concerning HIPAA, or the regulations that have been promulgated, please e-mail us at [informatics@ada.org](mailto:informatics@ada.org) or call Robert Lapp, 312-440-2750, for information about transactions; Donald Collins, 312-440-2895, about privacy regulations; Michael Tate, 202-789-5175, about legislation and Mark Rubin, 312-440-2851, about legal issues.

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cc: Officers and Members of the Board of Trustees  
Senior Management

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