

Need Help Complying With HIPAA Security Regulations?

The MMIC Technology Solutions' security team can help you assess your technology systems and procedures and implement needed upgrades or new technologies to make sure your systems adhere to HIPAA Privacy, Security and Transactions and Code Sets regulations.

The HIPAA Security regulations, which become enforceable on April 21, 2005, set national standards to protect the confidentiality, integrity, and availability of electronic protected health information while it is in use, in storage, or being exchanged between organizations. Virtually all health care providers, with the exception of small health plans, need to be compliant with the regulations which apply to systems such as e-mail, electronic record systems, and the Internet, extranets and private networks.

The regulations are technology neutral so that health care providers can determine which technologies will best meet the needs of their organization. Because each organization is unique and no single strategy

will serve everyone, the regulations include general guidelines for ensuring compliance. These include performing a risk analysis, implementing reasonable and appropriate security measures, and documenting and maintaining policies and procedures.

For more information, please call the Technology Solutions sales team, 1-800-328-5532, or e-mail TechnologySales@mmihc.com

For more information about the HIPAA Security rule visit the Centers for Medicare & Medicaid Services Web site: <http://www.cms.hhs.gov/hipaa/hipaa2/regulations/security/default.asp>.

To receive the *Review* by e-mail, contact the editor at rosalind.miller@mmihc.com or 1-800-328-5532. You may also download this publication from our Web site at www.mmigroup.com.

Corporate Compliance Program Emphasizes Culture of Integrity and Ethical Business Conduct

Today's headlines are rife with stories of crime and corruption in the corporate world. Consequently, the current business environment calls for increasing emphasis on compliance. Since its inception, the MMIC Group has been committed to maintaining consistently high standards of business conduct, ethics and social responsibility, in addition to complying with the numerous and complex laws and regulations governing our industry.

MMIC continues to develop and enhance its compliance program. The program provides employees with the guidelines they need to understand and comply with the statutory rules and regulations that apply to their jobs, and with company policies and procedures. The Law and Health Policy Department provides periodic training programs to all employees. They conduct compliance reviews on an ongoing basis to identify problems and areas needing additional attention. The training provides employees with a variety of ways to report

violations and they are encouraged to report them without fear of retribution or retaliation. The MMIC board of directors understands the importance of good compliance; and board members are involved in and support the program.

What does this mean for policyholders? By creating a culture of integrity and ethical business conduct, MMIC is working to protect company assets and to continue to provide the quality services policyholders and clients are accustomed to receiving. Our formal compliance program provides consistency and a better balance of risks and controls in our business performance, especially as The MMIC Group grows and the business environment continues to become more complex.



HIPAA Security Deadline Approaching Amendment to MMIC Business Associate Agreement

The HIPAA Security regulations become enforceable in April 2005. The regulations require that security protections be included in the Business Associate Agreements that covered entities must have with persons or entities to which they disclose protected health information (PHI).

The Business Associate Agreement issued by MMIC in 2003 needs only minor amendments to allow you to be in full compliance with the Security requirements. These amendments are included in this issue of the *Review*. An updated agreement may be found on the MMIC Group Web site, www.mmigroup.com.

The Business Associate Agreement confirms MMIC's obligation to protect the confidentiality

and security of PHI you send us. You do not need to sign and return the agreement. The commitments it makes flow from MMIC to you based on our existing policy of insurance with you.

If you have questions, please contact Christine Peters at 1-800-328-5532, 952-838-6781 or Christine. peters@mmihc.com.

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Amendment to MMIC Business Associate Agreement

This Amendment to the MMIC Business Associate Agreement is made as of April 20, 2005, by and between Midwest Medical Insurance Company (Business Associate) and its insured (Covered Entity).

Recitals

- A. Covered Entity and Business Associate are parties to a Business Associate Agreement dated February 21, 2003.
- B. Under Section 5.2 of the Business Associate Agreement, Business Associate agreed to take action necessary to amend the Agreement to enable Covered Entity to comply with the requirements of HIPAA.
- C. To incorporate the requirements of the HIPAA Security Rule, 45 C.F.R. parts 160 and 164, Business Associate and Covered Entity hereby amend the Business Associate Agreement.
- D. Because this Amendment is required to enable Covered Entity to comply with the requirements of HIPAA, no signatures of the parties are required.

In consideration of the receipt of Protected Health Information and other good and valuable consideration, Business Associate agrees as follows.

Agreed Amendments

- 1) Section 1, *Definitions*, is deleted and replaced with the following new Section 1:

Capitalized terms used, but not otherwise defined, in this Agreement shall have the meanings given those terms in the Privacy Rule and the Security Rule.

- 1.1 **Business Associate:** "Business Associate" shall mean Midwest Medical Insurance Company.
- 1.2 **Covered Entity:** "Covered Entity" shall mean the insured.
- 1.3 **Electronic Protected Health Information:** "Electronic Protected Health Information" shall mean Protected Health Information that is transmitted or maintained in electronic format or by electronic media.
- 1.4 **Individual:** "Individual" shall have the same meaning as the term "Individual" in 45 C.F.R. §164.501 and shall include a

person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

- 1.5 **Privacy Rule:** "Privacy Rule" shall mean the Standards for Privacy of Individually Identifiable Health Information at 45 C.F.R. parts §160 and §164, subparts A and E.
 - 1.6 **Protected Health Information:** "Protected Health Information" shall have the same meaning as the term "Protected Health Information" in 45 C.F.R. §164.501, limited to the information received from, or created or received by Business Associate on behalf of, Covered Entity.
 - 1.7 **Security Incident:** "Security Incident" shall have the same meaning as the term "Security Incident" in 45 C.F.R. §164.304.
 - 1.8 **Security Rule:** "Security Rule" shall mean the Standards for Security of Electronic Protected Health Information at 45 C.F.R. parts §160 and §164, subparts A and C.
 - 1.9 **Secretary:** "Secretary" shall mean the Secretary of the Department of Health and Human Services or his/her designee.
- 2) Section 2.2 is deleted and replaced with new Section 2.2:
 - 2.2 **Use Safeguards.** Business Associate agrees to use appropriate safeguards to prevent use or disclosure of Protected Health Information other than as provided for by this Agreement. Business Associate will implement administrative, physical and technical safeguards that reasonably and appropriately protect the confidentiality, integrity and availability of any Electronic Protected Health Information Business Associate creates, receives, maintains or transmits on behalf of Covered Entity.
 - 3) Section 2.4 is deleted and replaced with new Section 2.4:
 - 2.4 **Report Unpermitted Disclosures of PHI.** Business Associate agrees to report to Covered Entity any use or disclosure of Protected Health Information not permitted or required by this Agreement of which Business Associate becomes aware. Business Associate also agrees to report to Covered Entity any Security Incident related to Electronic Protected Health Information of which Business Associate becomes aware.

- 4) Section 2.5 is deleted and replaced with new Section 2.5:

2.5 **Compliance of Agents.** Business Associate agrees to require any agents, including subcontractors, to whom it provides Protected Health Information to agree to the same restrictions and conditions that apply to Business Associate through this Agreement with respect to such Protected Health Information. Business Associate also agrees to ensure that any agent, including a subcontractor, to whom it provides Electronic Protected Health Information agrees to implement reasonable and appropriate safeguards to protect it.

Except as herein modified, all provisions of the Business Associate Agreement remain in effect.

Midwest Medical Insurance Company,
Business Associate



By: David P. Bounk

Title: President

Use of Online Business Services Increasing

More and more policyholders are using online business services offered through the MMIC Group Web site (www.mmigroup.com).

Physicians and other practice staff are using Spheris eChart, formerly HealthScribe, online transcription to access transcribed reports from their homes or offices at times that fit their schedules. By using Spheris eChart physicians can dictate by phone or with a handheld device and then can view, edit and print the completed reports through the eChart Web site. Spheris has also been a choice for clinics using the NextGen Electronic Medical Record system. The eChart Web site interfaces with the NextGen software to help clinics move towards paperless offices.

Clinics and hospital staff who want the convenience of shopping online to purchase medical, surgical, pharmaceutical and office supplies and capital equipment, may find Esurg's Web site the place to go. Shopping through Esurg provides you with the savings available through a large group purchasing organization without having to pay a membership fee. Extras such as personalized product lists and detailed cost-tracking reports make ordering and managing supplies simple.

Another service offered through the MMIC Group Web site is Apex Print Technologies BestBill™ Statement Processing. Customers with business printing needs can send secure electronic print files to Apex's processing center where they are professionally printed and mailed. Clinics use this service to print patient statements, collection letters, patient reminder notices and insurance claim forms. The MMIC Group's own Business Office Services uses Apex to print its client's forms and billing documents.

The online business services are available to registered members of the Web site. All online business services provide special savings for members. For more information about the business services, call the Technology Solutions sales team, 1-800-328-5532, or e-mail TechnologySales@mmihc.com, or visit us at the MMIC Group Web site.



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