



How does OCR enforce HIPAA?

How do we remain compliant?

*How will HIPAA changes affect our business associate agreements?*



Easy EHR Data Capture from dictation?

What is the Security Risk Analysis required for Meaningful Use?

# Staying Afloat in the *NEW Sea* of HIPAA Enforcement



## PROGRAM NOW INCLUDES:

*Preparing for, responding to and defending against an OCR/HHS investigation — the anatomy of an OCR investigation*

This seminar also includes sponsors who illustrate how privacy and security compliance—along with EHR data capture, can be achieved in the real world of Meaningful Use and increased EHR adoption.

*Presented by:*

**The Privacy & Security Compliance  
Dream Team**

Michael Lowe, Esquire and Kelly McLendon, RHIA, CHPS



## Seminar Overview

There has been so many changes with the introduction of HITECH HIPAA and Meaningful Use driven EHR adoption that it seems many providers of care are lost at sea. This 2 day seminar comes to the rescue with pertinent information that will answer these questions and much more. In light of today's increasing environment of enforcement this seminar is a must attend event. The seminar will present perspectives on the vast subject of privacy and security compliance from both Federal (HIPAA) and the State of Florida perspectives from a board certified healthcare attorney and credentialed health information manager that specializes in privacy, security and legal records. Meaningful Use is driving EHR adoption which has mandates for Privacy and Security Risk Analysis.

Enforcement defense, OCR tactics and the preparation of your compliance program to meet these demands is emphasized.

*"This was one of the best and most helpful seminars I have attended in a very long time and would definitely recommend it. Speakers were excellent, well informed, and willing to explore answers when unable to provide them immediately."*

*- Susan Rivelli, Health Information Manager  
The Hospice of the Florida Suncoast*

**NOTICE:** Meaningful Use criteria mandates that covered entities conduct or review a security risk analysis per 45 CFR 164.308(a)(1) (HIPAA) and implement security updates as necessary and correct identified security deficiencies as a part of its risk management process. If you are working towards Meaningful Use you will need to have proof of performing this risk analysis and it's not commonly accomplished by your EHR vendor. This seminar provides you with the tools that assist with both security and privacy risk analysis.

## Highlights Include

- Preparing for, responding to and defending against an OCR/HHS investigation — the anatomy of an OCR investigation.
- Breach Notification – how to handle a potential or actual breach and the notification process —analysis of the reporting requirements and how to determine whether you must report and the process for reporting/what must be reported.
- HIPAA Privacy and Meaningful Use Security Risk Analysis
- The latest OCR and State enforcement, investigations and audits
- How to develop an up to date HITECH HIPAA Compliance Plan
- EHR contracts with HIPAA and BA terms
- Legal Health Record (LHR) Definition
- Designated Record Set (DRS) Definition
- Overview State of Florida Regulations Sections 456 and 395
- Details, policies and procedures related to HIPAA's 'Patient Rights
- HITECH direct compliance requirements for Business Associates (BA)
- HIPAA 5010 Overview
- OIG Workplan for Meaningful Use enforcement
- New technologies that address Privacy and Security auditing, detection, investigation, documentation and compliance
- Facilitating easy EHR adoption through the use of voice processing and EHR integration
- How iPhones, iPads, mobile and modern devices revolutionize EHR data capture



## Who Should Attend

- HIM Directors
- Privacy & Compliance Officers
- Risk Managers
- CIO & IT Managers
- Medical Informaticists
- Physician & Clinic Office Managers
- Release of Information Specialists
- Patient Accounts and Billing Managers
- Diagnostic Imaging Department Directors
- Any Healthcare Record Custodians
- Document Management Vendors
- Vendors creating any type of EHR or EMR record solutions



## Learning Objectives

- Learn how to prepare for OCR Enforcement for Privacy and Security
- Understand the details of Privacy & Security compliance
- Become familiar with detailed operational ideas for HITECH HIPAA compliance
- Up-to-date knowledge about HIPAA, CMR regulations, Florida statutes, and rules managing medical records
- New Federal and Uniform eDiscovery Rule discussions and tools to manage the necessary cataloging of EHR/ EMR systems for future litigation
- How to create and manage a sound electronic record program and perform record custodian tasks in today's complex regulatory and legal environment
- Learn the latest in Privacy and Security monitoring
- What records to maintain and how to legally release information from medical records
- Up-to-date designator record set definitions
- What is important to address when contracting for an EHR or EMR
- Sound medical record release, consent and authorization practices
- Policies and Procedures to best create defensible and compliant Legal Health Records
- Facilitate ease of capturing discrete EHR data

## Program Overview

- Privacy and Security final rule in depth review
- ARRA Overview
- New HIPAA rules for BAs, Vendors, new disclosures and reporting, certified EHR reimbursements for hospitals, physician offices and much more.
- Scenario discussions
- Key stakeholders in legal health records
- What your legal counsel should bring to the table
- Overview of HIPAA, CMS regulations and Florida Statutes regarding medical records
- Consents, authorizations, super confidential information
- Special considerations for super confidential, mental health, substance abuse and pediatrics
- Legal process overview and rules of evidence for both Florida and Federal law
- Legal health record planning, including eDiscovery
- HL-7 EHR standards for Privacy
- NIST standards for Security
- OCR enforcement update
- EHR contracting
- Using Security Risk Analysis to meet Meaningful use
- Using voice processed dictation to populate EHR data and facilitate physician adoption

*A delicious continental breakfast and lunch is provided.*

*"A health care information consultant and health care attorney teaming together in a seminar was simply superb! Both were very approachable and gave a wealth of information. I especially liked the forms to download and use in our own practice to build upon and to insert our practice name! A very well thought out program!!"*

*—Betty Gray, Operations Manager  
Tallahassee Plastic Surgery Clinic*



## Conference Materials & Handouts

In keeping with 'Green' business principals this seminar is presented without paper handouts. All conference materials, slides, templates, forms, GAP checklists, policies, procedures, business associate agreements, notice of privacy practices, etc. will be available to paid attendees. Prior to the seminar, attendees will receive an email with a link to the related materials. The Health Information Xperts Legal Health Record Toolkit (a \$199 value) is also included in its entirety as is the HIX ARRA Overview.



### CEU Credits Available

10 CEU Credits may be claimed for the American Health Information Management Association (AHIMA).

## Seminar & Registration

**Orlando, FL - November 10-11, 2011**

UCF Executive Development Center  
36 West Pine Street, Orlando, FL 32801

**Registration & Check-in:** 7:30 a.m. | **Seminar:** 8:30 a.m. - 5:00 p.m.

**\$499** - first organizational member registration

**\$199** - each additional organizational member registration

**To register visit:**

[www.knowledgeconnex.com/legalhealthseminar.asp](http://www.knowledgeconnex.com/legalhealthseminar.asp)

**To obtain more information please contact:**

Mr. Michael Lowe (407) 332-6353 ask for Collette

*E-mail:* [cpridgen@lowehealthlaw.com](mailto:cpridgen@lowehealthlaw.com)

**Alternate Contact:**

Kelly McLendon (321) 268-0320

*Email:* [kmclendon@hixperts.com](mailto:kmclendon@hixperts.com)

[www.hixperts.com](http://www.hixperts.com)



## About the Speakers/Presenters

### Kelly McLendon, RHIA

Kelly is president of Health Information Xperts, a consultancy specializing in AARA, HIPAA, HIM operations and efficiencies, electronic document management, electronic health records, HIPAA Privacy, ARRA Meaningful Use and Legal Health Records project planning and management.



With more than 30 years of experience in record and information systems, his expertise spans the breadth of health information and electronic record systems, from managing HIM operations to designing an industry-leading electronic document management system for HIM, registration and patient accounts. Kelly is also an accomplished speaker, author, including a textbook on Legal Health Records for AHIMA and a 30-year member of the American Health Information Association (AHIMA).

In recognition of his achievements, Kelly was recently awarded the Florida Health Information Association's (FHIMA) highest honor, Distinguished Member for 2008 and was also honored with the AHIMA Visionary Award in 2003.

Kelly is President of Health Information Xperts a healthcare consultancy specializing HITECH HIPAA Privacy and Security, Legal health Records and Electronic Health Records. He is also a Founder of CompliancePro Solutions ([www.compliancepro solutions.com](http://www.compliancepro solutions.com)) a company with which he has created the first full spectrum privacy compliance software.

*"The purpose of this seminar is to educate attendees with the most up-to-the-minute best practices— in relation to legal health records."*

### Michael R. Lowe, Esq.

Michael is board certified in health care law by The Florida Bar. His practice focuses on all aspects of business, corporate, transactional, litigation, regulatory, operational and administrative matters in the health care law arena.



MICHAEL R. LOWE, P.A.

Michael regularly represents clients in medical records and HIPAA privacy regulations issues, managed care contracting and reimbursement matters, the preparation, review and negotiation of physician employment agreements, Medicare/Medicaid fraud and abuse prevention, defense and reimbursement issues, medical staff privilege cases, professional licensure and disciplinary actions, voluntary self-disclosure cases, physician-hospital contracts, compliance plan development, and health care regulatory analysis and counseling matters.

Licensed in both Florida and Georgia, Michael is a member of the health law sections of the Florida Bar, Georgia Bar and American Bar Associations. Additionally, he is a member of the American Health Lawyers Association. He received his B.S. degree in history from the United States Naval Academy and his M.A. degree in national security studies from Georgetown University, and is a former naval aviator and Desert Storm veteran. Michael graduated summa cum laude from the University of Alabama School of Law, where he earned his J.D. degree. He is a frequent lecturer on various health care law topics.





**November 10 - 11, 2011**

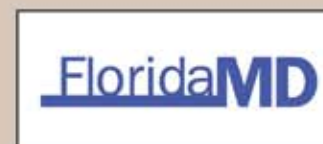
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[www.knowledgeconnex.com/legalhealthseminar.asp](http://www.knowledgeconnex.com/legalhealthseminar.asp)