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│                    GENERAL INFORMATION SYSTEM              06/29/06        │
│           DIVISION:  Office of Medicaid Management         PAGE 1          │
│  GIS 06 MA/013                                                            │
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TO: Local District Commissioners, Medicaid Directors

FROM: Betty Rice, Director, Division of Consumer & Local District Relations

SUBJECT: 45 CFR Parts 160, 162 and 164 "U.S. Department of Health and Human Services Office for Civil Rights HIPAA Administrative Simplification Regulation Text"

EFFECTIVE DATE: Immediately

CONTACT PERSON: James F. Botta, Privacy Coordinator, Office of Medicaid Management, (518) 473 4848

Previous communications have been provided to you regarding the Health Insurance Portability and Accountability Act (HIPAA).

06 OMM/ADM-001 "Instructions for Implementing HIPAA Privacy Protections in LDSS", dated March 1, 2006 explained how to implement the HIPAA regulation. This included actions and policies to be implemented to comply with the HIPAA standards.

GIS 06 MA/002, "Chapter 442 of the Laws of 2005 Breach of Information Security", dated January 6, 2006 described how to report a breach of privacy and/or security of Protected/Confidential Data. A breach is defined as an illegal release of confidential data. The GIS provided instructions on which offices and agencies are to be contacted to report a breach of privacy and/or security of Protected/Confidential Data.

45 CFR Parts 160, 162 and 164, entitled the "U.S. Department of Health and Human Services Office for Civil Rights HIPAA Administrative Simplification Regulation Text" updates all parts of the HIPAA regulation. All Local Departments of Social Services (LDSS) Medicaid offices are HIPAA covered entities as defined by their role in the New York Medicaid State Plan.

This regulation has an effective date of February 16, 2006. The regulation clarifies and addresses issues raised as a result of the implementation of the first regulation. It covers privacy standards, data security and how to report a breach or illegal use of protected/confidential data.

State and Local District Social Services Medicaid offices maintain Medicaid Confidential Information/Protected Health Information on Medicaid recipients and applicants. This includes all personal enrollment information, financial information, social security number, Medicaid recipient identification number and other confidential information.

Local District Medicaid Offices must be familiar with the following parts of this regulation:

     Compliance and Investigations - 160.300-160.552
     Security - 164.302-164.318
     Privacy - 164.500-164.534

The LDSS HIPAA Officer should have a working knowledge of the regulation.

Attached to this GIS are copies of 45 CFR Parts 160, 162 and 164 "U.S. Department of Health and Human Services Office for Civil Rights HIPAA Administrative Simplification Regulation Text".

Please detach these and save them to a secure computer server to which Medicaid Staff have access.