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Opinion Letter Concerning Legal Compliance with the HIPAA Rules for Training and Education Upon Successful Completion of HIPAA Solutions Rx Training

June 1, 2002

To whom it may concern:

I am an attorney admitted to practice in California, the District of Columbia and the U.S. Supreme Court. I have been in practice for over 30 years and have a substantial background in health law, health information technology law and HIPAA (Health Insurance Portability and Accountability Act of 1996).

HIPAA Privacy Regulation §164.530(b) require that an organization covered by HIPAA must train all members of its workforce on policies and procedures required with respect to protected health information and must document such training. The HIPAA training program is designed to carry out this mandate. An organization whose workforce members successfully complete the HIPAA training program specified for their setting and role(s) and successfully complete all required tests will be in compliance with the general provisions of this regulatory mandate.

The HIPAA training provides appropriate role-based training on the policies and procedures required by the Regulations with respect to protected health information training and provides detailed documentation for each participating member of the workforce. The initial training must be complete by April 14, 2003. The only caveat required is that the covered organization may have to provide additional training to certain individuals with complex, extensive or unusual responsibilities in order to fulfill its duties under this rule. This letter applies to HIPAA training as presently constituted.

To remain in compliance, the covered organization will have to train all new members of the workforce within a reasonable time after they join the organization and additional training to all members of the workforce whenever there is a material change in the Regulations that affects their responsibilities with a reasonable time after the change becomes effective.

Respectfully,

Steven M. Fleisher