



Compliance

TODAY

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How HCCA's CI Silent Auction supports recipients of America's Fund

an interview with Justin Lansford

U.S. Army Veteran
America's Fund Recipient,
and Gabe's pal

See page 16

22

How to respond when
ransomware catches
you off guard

Theresamarie Mantese,
Jordan Segal,
and Paul Mantese

28

Embracing patient
payment preferences,
Part 2: Records and
documentation
requirements

Rozanne M. Andersen

35

Helping new
physicians
learn to
improve billing
and coding

Duncan Norton

39

Addressing
compliance issues
in reimbursement
and licensing for
telemedicine

Max Reiboldt



FEATURES

- 16 **Meet Justin Lansford**
an interview by Adam Turteltaub
- 22 **How to respond when ransomware catches you off guard**
by Theresamarie Mantese, Jordan Segal, and Paul Mantese
HIPAA's Security Rule is a good starting point for building a proactive, high-tech defense system to speed recovery from an inevitable cyberattack.
- 28 **Embracing patient payment preferences, Part 2: Records and documentation requirements**
by Rozanne M. Andersen
Depending on whether you are a healthcare provider, Extended Business Office (EBO), or first- or third-party debt collector, your duties for processing electronic payments may vary.
- 35 **Helping new physicians learn to improve billing and coding**
by Duncan Norton
Medical schools do a poor job of preparing new physicians for the business side of billing and coding, so feedback is essential for learning.
- 39 **[CEU] Addressing compliance issues in reimbursement and licensing for telemedicine**
by Max Reiboldt
No two states are alike when it comes to how telemedicine is credentialed, covered, and reimbursed, so providers need to be vigilant about requirements and regulations where they practice.

COLUMNS

- 3 **Letter from the CEO**
ROY SNELL
- 20 **Exhale**
CATHERINE BOERNER
- 26 **Managing Compliance**
LYNDA S. HILLIARD
- 33 **Connectivity**
NANCY J. BECKLEY
- 37 **The Compliance–Quality Connection**
DONNA ABBONDANDOLO
- 44 **Privacy Ponderings**
ERIKA M. RIETHMILLER
- 51 **Computer Tips**
FRANK RUELAS

DEPARTMENTS

- 6 **News**
- 12 **People on the Move**
- 74 **Newly Certified Designees**
- 76 **New Members**
- 78 **Blog Highlights**
- 79 **Takeaways**
- 80 **Upcoming Events**

by Nancy J. Beckley

A picture says a thousand words – Be careful what you say

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A picture says a thousand words, or so they say. Pictures enhance social media posts, whether on Facebook, Twitter, Instagram, or for that matter, most social media platforms. New smartphones boast of high-end cameras and photo capabilities. A new “square” photo format is gaining popularity for its ability to be sized to take up more space in your post or tweet, and various studies suggest that pictures that accompany posts and tweets are more likely to be opened and shared. Opportunities abound for clinicians to share treatment techniques, patient demonstrations, surgeries, as well as endorsements from patients and family. An emerging area is one of help-me-solve-this-case (sort of a play on grand rounds), but only on social media and outside the privacy of the patient room.



Beckley

A recent whitepaper by Everfi notes a trend where employers are blocking social media sites, with the top reason being misuse of confidential information (80%). Posting of photos that involve patients, no matter how well the poster feels that patients are “disguised,” is an emerging area of compliance concern. Photos accompanied by descriptions including age, sex, diagnosis, and other

potentially identifying data to help explain the treatment technique or therapy intervention can often be traced to identify the patient with little effort. One provider noted online that their master “permissions” list at the nursing facility to “participate in resident activities and be included in the newsletter” served as consent for the resident’s permission to have their images posted online. The provider argued when challenged that HIPAA Privacy policy was not applicable in an online forum. Was the person posting this in compliance with their facility’s HIPAA Privacy policy? Was the facility’s privacy officer aware? Did the facility have a policy and were the staff trained?

Compliance professionals often have the responsibility and accountability for ensuring compliance policies address not only the organization’s official social media presence, but those that also address employee use of social media. Employee policies ideally address work-time social media access as well as social media behavior outside the office that potentially reflects poorly on the organization, or worse, violates company policy and patient privacy rights. If a family member, friend, neighbor, or other professional sees a picture, it can’t be unseen, and on the Internet, it is there forever, potentially creating a privacy violation.

Time to update your social media policy – a picture says a thousand words. 📸