



HIPAA TRAINING AND THE ARMED FORCES RESERVE

HIPAA Privacy ♦ December 2006

TMA Privacy Office Guidance

Records Management ♦ FOIA ♦ DUAs ♦ HIPAA Compliance ♦ Privacy Act/System of Records ♦ PIAs



Purpose

The purpose of this paper is to clarify TRICARE Management Activity (TMA) Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule training requirement for the Armed Forces Reserves. The following guidance outlines the procedures which will be required to accurately reflect Military Training Facility (MTF) training completion statistics in the *MHS Learn* learning management system.

Background

The HIPAA Privacy Rule requires the covered entity, i.e., the Military Health System, to train all members of its workforce on the guidance and procedures regarding protected health information as necessary and appropriate for the members of the workforce to carry out their function within the covered entity. The workforce is defined as all employees, volunteers, trainees and other persons whose conduct in the performance of work for a covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity.

Guidance

Reserve medical personnel must receive HIPAA training upon mobilization to an active duty military treatment facility (MTF). Specifically, Assistant Secretary of Defense (ASD) memorandum “Armed Forces Reserve Component Medical Activities under the DoD Health Information Privacy Regulation,” December 2, 2003 states:

The reserve medical personnel, upon mobilization to active duty, would be part of the covered entity called the Military Health System if they practice in an active duty Military Treatment Facility, or are mobilized as a backfill in an MTF. Therefore, those medical personnel need to be trained just as they are trained on other responsibilities in time of mobilization, but the reserve component medical elements are NOT covered entities and thus are not bound by the HIPAA Rules.

To accurately reflect training compliance within the *MHS Learn* learning management system Training Administrators should require INACTIVE reservists to change their HIPAA job position to “Not Applicable.” This will remove them any compliance statistics reporting. When the Reservist is REACTIVATED the reservist should select the appropriate HIPAA job position so they may be incorporated back into the compliance statistics of the assigned MTF.

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