



WEST VIRGINIA STATE GOVERNMENT
HIPAA PROJECT MANAGEMENT OFFICE

West Virginia State Government HIPAA Assessment Project Charter

Purpose of the Project Charter

This charter was created to ensure that all with a stake in project success share a common understanding of why the project is being conducted, the scope of the project, the anticipated project results, through whom, over what timeframe results will be delivered, and anticipated next steps. Note: A charter is a living document that will be revised to reflect changes in the scope or nature of the assessment process, thus ensuring that it continues to be a valid definition of the project.

Project Background

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) was enacted August 21, 1996. Title I of the Act seeks to protect individual rights to health insurance coverage during events such as changing / losing one's job, pregnancy, moving, divorce, etc. HIPAA Title I additionally provides rights and protections for employers when obtaining and renewing health coverage for their employees. Title I has already been implemented. It is HIPAA Title II that this project and charter addresses.

Title II of HIPAA includes the Administrative Simplification Act, which requires improved efficiency in healthcare delivery by standardizing electronic data interchange (EDI) and mandating the protection of patient confidentiality (privacy) and the security of health data through the setting and enforcing of standards. HIPAA Title II requires:

- Standardization of electronic patient health, administrative, and financial data
- Unique identifiers for employers, health plans, and health care providers
- Standards protecting the confidentiality (privacy) and integrity of "individually identifiable health information"

All healthcare organizations are affected by HIPAA. This includes health care providers regardless of size, health plans, public health authorities, life insurers, clearinghouses, billing agencies, information systems vendors, etc.

Sanctions for non-compliance with HIPAA can be both civil and criminal. Fines range from \$100 per violation up to \$25,000 for multiple violations of the same standard in a calendar year. Additionally, there are fines up to \$250,000 and/or imprisonment of up to 10 years for intentional misuse of individually identifiable health information.

HIPAA compliance is a huge undertaking and requires significant planning. As a result, earlier this year Governor Wise charged Sonia Chambers, Chair of the West Virginia Health Care Authority, with oversight and coordination of this project's Phase I, HIPAA assessment and recommendations, and Phase II, compliance implementation. In this capacity Ms. Chambers created a HIPAA oversight team, aka the HIPAA Executive Committee (HEC), to assist West Virginia State Government Executive Branch entities in determining:

- if they are covered under HIPAA and therefore subject to this rule
- the current state of covered entity compliance and any gaps between the current state and HIPAA mandates
- HIPAA-specific and assessment tools training
- strategies for compliance implementation
- remediation action plans with costs and timelines
- compliance implementation projects

HEC additionally works closely the HIPAA Program Management Office (PMO) initiated to provide a single point of HIPAA contact, knowledge, and coordination.

Problem Statement

Both Assessment and Compliance Implementation phases of this project are federally mandated under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Consequently, West Virginia State Government Executive Branch business systems, processes, and policies, may not be compliant, and performing a thorough assessment with limited resources will be a challenge. In addition to anticipated non-compliance and resource allocation issues, timelines for achieving compliance are tight: an extension plan for Transactions and Code Sets must be filed in October 2002; Privacy regulations must be implemented in April 2003; TCS must be fully implemented by October 2003; and Security mandates are anticipated somewhere along that timeline.

Project Goals and Objectives

The State of West Virginia is undertaking a HIPAA Assessment to evaluate the impacts of the Health Insurance Portability and Accountability Act (HIPAA) on State Government Executive Branch agencies. The goal of Phase I of this project is to produce an Assessment Findings and Remediation Recommendations final report that includes a strategic plan with recommendations, timelines, and cost estimates for the State's implementation of HIPAA. Specifically, the HIPAA Assessment will determine the systems, procedures, policies, and business associate/trading partner agreement changes, etc. that must be made to comply with HIPAA mandates. A Phase II project charter will additionally be developed for the implementation of the remediation recommendations referenced in the Final Report. Note: this project documentation is for Phase I, HIPAA compliance assessment purposes only.

Project Scope

Eleven West Virginia State Government Executive Branch agencies are included in the scope of this project:

Bob Wise, Governor	Governor's Office (FYI purposes only)
Gregory A. Burton, Cabinet Secretary	Department of Administration
Alisa L. Bailey, Commissioner	Bureau of Commerce
Kay Goodwin, Cabinet Secretary	Department of Education & the Arts
Robert J. Smith, Commissioner	Bureau of Employment Programs
Michael O. Callaghan, Cabinet Secretary	Department of Environmental Protection
Paul L. Nusbaum, Cabinet Secretary	Dept. of Health and Human Resources
Sonia D. Chambers, Chair	WV Health Care Authority
Joe Martin, Cabinet Secretary	Dept. of Military Affairs & Public Safety
Ann M. Stottleyer, Commissioner	Bureau of Senior Services
Brian M. Kastick, Cabinet Secretary	Department of Tax and Revenue
Fred VanKirk, P.E., Cabinet Secretary	Department of Transportation

Although boards, commissions, and institutions of higher education are not included within the scope of this project, assistance and access to project tools, products, and information will be provided per project resource availability. Additionally, via Education and Outreach, tools, products, lessons learned, best practices, etc. will also be shared with those outside West Virginia State Government.

Critical Success Factors

- Active and visible Executive-level endorsement and timely decision-making
- Identified and manageable scope, given project resources, timeline, and mandates
- Stable and timely project resources, i.e., HIPAA being understood as a work priority
- Strong project management and a PMO to:
 - serve as a central point of HIPAA and project contact
 - develop and maintain project structure
 - provide project leadership and coordinate / leverage resources
 - facilitate statewide sharing of best-practices, etc.
 - monitor deliverables and approve project work products
 - maintain project plans, status reports, documentation, and audit trail
 - represent the project and team to executives, agencies, HIPAA events, etc.

Assumptions

- Although the Charter will be updated to reflect changes, the scope of the project will remain constant.
- Review of systems outside the control of the West Virginia State Government Executive Branch will not be included as part of this project, i.e., systems, procedures, policies, and business associate/trading partner agreements, etc. used by providers, vendors, contractors not directly managed by the WV State Government Executive Branch.
- The PMO is the central point of the HIPAA project contact, knowledge, and coordination. The Project Director is responsible for managing project resources, deliverables, and PMO operations. The HEC is the approving authority regarding deliverables and decisions. The HCA Chair has veto authority over HEC decisions.

Project Deliverables

- Deliverable 1: Project Management Office (PMO) - (on-going)
- Deliverable 2: Training - (on-going)
- Deliverable 3: Covered Entity Status Report
- Deliverable 4: West Virginia Pre-emption Analysis
- Deliverable 5: Current State and Gap Analysis
- Deliverable 6: Remediation Recommendations
- Deliverable 7: Phase II: Implementation Plan

Milestones	Planned Completion Date	Revised Plan	Actual
Governor Appointed HIPAA Sponsor	02/27/02		02/17/02
Definition of Project Scope	03/07/02		08/16/02
HIPAA Executive Committee (HEC) Formed	03/21/02		03/21/02
Technical Advisory Groups Initiated	04/04/02		04/04/02
Project Charter Approved	04/04/02		08/07/02
Project Plan Developed	04/11/02		08/13/02
Covered Entity Assessment Survey Distributed	07/31/02		08/19/02
Covered Entity Status Report	09/06/02	09/30/02	
TCS Impact Determination Questionnaire Distributed	09/09/02		09/09/02*
WV Pre-emption Analysis Report	09/20/02	10/04/02	
TCS Gap Analysis Report	09/30/02	10/15/02	
Privacy Impact Determination Questionnaire Distributed	10/11/02		
Security Impact Determination Questionnaire Distributed	10/11/02		
TCS Extension Plan(s) Due	10/15/02		
Privacy Gap Analysis Report	10/31/02		
Security Gap Analysis Report	10/31/02		
Privacy Remediation Recommendations	11/15/02		
Security Remediation Recommendations	11/15/02		
Phase II Implementation Plans	12/02/02		
Training	On-going		
Project Management Office	On-going		
Privacy Implementation Deadline	04/14/03		
TCS Testing to Begin Deadline	04/1603		
* On-going – distributed as CE surveys received			