

New Orleans Association of Health Underwriters



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News You Can Use

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Welcome to Our New Members!

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A Fun Interactive Event

December 10

11:30 a.m. Networking/Cash Bar

12:00 Lunch Begins

CE Certificates Available

RSVP Today at rsvp@noahu.org

HIPAAAnswers™ E-Tip

For Brokers

November 10, 2004

ISSUE: Does a health care clearinghouse have a business associate arrangement with the entity it serves?

TIP: An entity that receives paper and/or electronic health data from a single source or from multiple sources and converts that data from non-standard formats or data elements into a HIPAA standard transaction is a health care clearinghouse. The health care clearinghouse may be acting on behalf of either a health care provider or a health plan and, therefore, may have a business relationship with either the health care provider or the health plan. Conversely, an entity that receives a HIPAA standard transaction and converts that transaction into non-standard format or data elements (paper and/or electronic) is also a health care clearinghouse. Again, the health care clearinghouse may have a business associate relationship with either a health care provider or a health plan. Whether a health care clearinghouse is a business associate in either of the two situations above will depend on the status of the entity on whose behalf it is acting. If the health care clearinghouse is acting on behalf of a health care provider or an insurer that is not a covered entity under HIPAA, the health care clearinghouse would not be a business associate as defined in HIPAA regulations.



IMPORTANT DUES CHANGE

Please note that effective 1/1/05 your Health Underwriter dues will be changing. If you are on automatic bank draft the new amount will be \$18.75 per month. For those that pay annually, the new amount will be \$225.00. This change puts us in line with other local associations.

SEATTLE AREA MAN GETS PRISON TIME IN FIRST EVER HIPAA CONVICTION

RICHARD W. GIBSON, 42, of SeaTac, Washington was sentenced today [November 5 2004] to 16 months in prison, three years of supervised release, and more than \$9,000 in restitution for wrongful disclosure of individually identifiable health information for economic gain. In sentencing Gibson, U.S. District Court Judge Ricardo S. Martinez told him "your behavior in this case is some of the most deplorable I've seen in 15 years on the bench."

Gibson admitted that he obtained a cancer patient's name, date of birth and social security number while Gibson was employed at the Seattle Cancer Care Alliance, and that he disclosed that information to get four credit cards in the patient's name. Gibson also admitted that he used several of those cards to rack up more than \$9,000 in debt in the patient's name. Gibson admitted he used the cards to purchase various items, including video games, home improvement supplies, apparel, jewelry, porcelain figurines, groceries and gasoline for his personal use. Gibson was fired shortly after the identity theft was discovered.

In a videotaped victim statement played in court, the cancer patient described how he had "lost a year of life both mentally and physically dealing with the stress" of having his identity stolen and dealing with banks, credit card companies and collection agencies. Gibson told the court he was "very sorry," that he "wasn't thinking (he) was going to be hurting someone" when he stole the identity. Gibson's lawyer said the man was trying to provide for his kids and step-children.

But Judge Martinez told Gibson, "In trying to do the right thing for your children, you gave them the worst lesson possible." Martinez noted that Gibson did not use the money to pay the mortgage, utilities or heat bill but instead purchased video games, jewelry and figurines "for the most base reason of all: greed." He called the identity theft a "vicious attack on someone fighting for his life." Martinez went above the prosecutor's recommendation of 12 months and sentenced Gibson to 16 months in prison.

The Judge will determine at a later hearing how much restitution will go directly to the victim for costs he has incurred trying to clear his credit. Martinez also took the unusual step of ordering Gibson immediately into custody.

This is the first criminal conviction in the United States under the health information privacy provisions of the Health Insurance Portability and Accountability Act (HIPAA) which became effective in April, 2003. Those provisions made it illegal to wrongfully disclose personally identifiable health information. The case was investigated by the Federal Bureau of Investigation (FBI) and is being prosecuted by Assistant United

States Attorney Susan Loitz.



Top 5 Tips to Calm Cranky Customers

by [Dina Beach Lynch](#)

1. 'Tis the Season

Recognize that everyone is frazzled during the holidays- you and your customers. Give everyone, including you, the benefit of the doubt when it comes to 'bad behaviors' like being abrupt or rude. Breathe deep and smile. It can work wonders.

2. Let 'em Rant, Let 'em Rant, Let 'em Rant

Listen briefly to what your customer has to say, even if he is simply venting about things outside of your control. Your client will appreciate the caring and you just might learn about another customer problem you can solve. Comments like the ones below can help the customer feel acknowledged and smooth the way to resolution.

That must be difficult for you.
I can see how upset you are.
This must be very important
Let's see what we both can do to fix this

3. Making a List and Checkin' it Twice

Ask your customer what is her most important or urgent concern. Then ask some more questions to find options to resolve it. Questions like the ones below get you to the heart of the matter:

What happened?
What would you like to see done?
Why is that important to you?
How can you help fix this?

4. O' Make It Right

Take the information you've gained through your comments and questions and make things right. Go over and above in your efforts and your customer won't forget it or you. What if you can't fix it? Be honest about it. Sincerely offer what you can provide and explain why more can't be done.

5. We Wish You a Happy Ending

Follow up with your customer to see that he's satisfied. In the hectic world we live in, people crave a personal touch like a handwritten note or a short email. Such a small gesture can have a lot of impact on customer loyalty.

These tips can help you have a happy holiday too!



Adopt-an-Angel

Last year, we were able to deliver over 50 Christmas gifts to terminally ill children and their siblings. These children are from disadvantaged families who are struggling to pay for care for their terminally-ill child and buying gifts for their family is nearly impossible. Each year, Angels' Place hosts a Christmas party and Santa delivers gifts to these children and their siblings.

You can help bring some hope into these families by participating in this year's Adopt-an-Angel program. Simply respond to this email and let us know if you would like to Adopt-an-Angel. Let us know how many children you'd like (One is fine, too!) to adopt and we will email you the name and age of a child. You purchase and wrap the gift and bring it to the December 10th meeting at Andrea's. If you are unable to make the meeting, you can give us a call and we can make arrangements to get the gift from you.

Hate shopping? You can also participate by donating money to purchase gifts. Make the check payable to Angels' Place and mail to NOAHU, PO Box 8765, Metairie, LA 70010.

2005 Compliance Survival

Please join us for the first continuing education seminar of 2005!

This is a seminar that you can't afford to miss!!!

Tuesday, January 25

Best Western Landmark

8:00-8:30 Continental Breakfast and registration

8:30-3:00 seminar

Lunch will be served

\$50.00 if you register before January 15

[For registration form:](#)