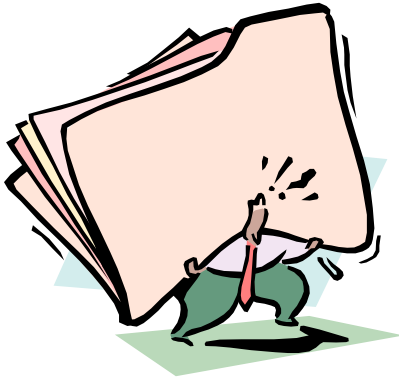


NOTICE TO LICENSED ACUPUNCTURISTS REGARDING HIPAA



The Privacy Rules pertaining to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) became effective on April 14, 2003, and are creating some anxiety and misinformation among healthcare practitioners.

In a nutshell, HIPAA was created to standardize electronic transmission of patient information.

Does HIPAA apply to me?

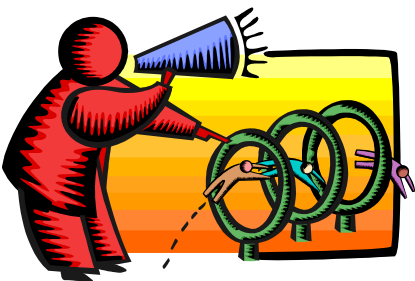
Many practitioners believe that if an acupuncture office has fewer than 10 employees, HIPAA regulations do not apply. This may be marginally true – and you should consult an attorney knowledgeable about HIPAA to know for certain – but in most cases, if you are practicing in the United States and using a computer, you need to comply.

Myth or Truth? It has also been suggested that practitioners of “Five Element Acupuncture” do not need to comply with HIPAA because their practice is more akin to that of psychologists than practitioners of traditional oriental medicine. The theory is that because conversation and listening techniques are utilized more than diagnosis, they are exempt from HIPAA.



Again, this is unlikely. A brief review of the long list of potential situations on the United States Department of Health and Human Services (HHS) website in which HIPAA comes into play contradicts this assumption.

The official website of HHS states that healthcare providers who conduct “certain financial and administrative transactions electronically” must comply with the new privacy standards. In today’s world, that’s just about everyone. To see for yourself, visit: www.cms.hhs.gov/hipaa



You and us

What do I need to do?

Now that we have established the necessity for compliance on the part of the practitioner, what are you to do? The Acupuncture Association of Colorado’s website offers a number of sources: websites, seminars, and a sample explanatory document for your patients. Their web site is www.acucol.com.

To ensure that your particular situation is included in HIPAA, again, it would be best to consult an attorney specializing in HIPAA or federal regulations.

The Colorado Office of Acupuncture Licensure is a “health oversight agency” under federal regulations. As such, the Office has the legal right to patient information in order to conduct its regulatory activities. In the case of investigations, disciplinary actions, judicial and administrative proceedings initiated by the Office, you are required to disclose protected information even without the consent or authorization of the patient when requested by the Office. Please be assured that when this Office receives confidential patient information, it will be carefully safeguarded and remain exempt and confidential under the Colorado Open Records Act.