



On an Incline, In a Curve How Can You Overcompensate?

I'm a walker. As we've read in past Kardon posts, there are several benefits to walking. It can help clear the mind and contribute to cardiovascular health and weight loss; although the last one seems to elude me. As a pedestrian, I always face oncoming traffic and stay as far to the left as possible. When I see oncoming traffic, I move over into the grassy areas.

Walking, I observe several incidents of laws being broken; every single day that I walk. Other than texting, speeding is the biggest violation. You see, I walk on a 35 mph road. I can usually tell when *that's* not happening pretty quickly. Not only visibly, but when I hear what sounds like a twin engine plane taking off, I'm pretty sure I need to get over.

Then, there's the opposite... The other thing I find intriguing is those that give me "plenty of space" as they pass. One day last week, a little pickup truck passed me, *into* the oncoming traffic lane... late in the evening... on an incline... in a curve. But, I was in the grass! These people are not breaking the law. The law *does* say a driver should "drive slower when seeing pedestrians... and give them plenty of room when passing". But, could they be overcompensating when passing on the opposite side of the road?!

I'm 6' tall, but I'd need to trip sideways with my arms extended over my head just to try and get my fingertips run over (not that I'm trying). In order to 'give me plenty of room', he put anyone driving normally in their own lane on the right side of the road in grave danger. Overcompensating one part of 'the law' unnecessarily put others in jeopardy!

Here's the part where my boss goes, "where is he going with this?!" Well, how can you overcompensate one part of the law and put others in jeopardy? Last month I wrote about Risk Analysis'. Many of you request them for Meaningful Use Attestation, or because it is the law. That's great! But, why are there still millions of medical records breached (see "Links of Interest")? What about employee training with a Sanctions Policy, or a Password Policy, or a lock on the waiting room door, use of a public email address or emailing and/or texting PHI, Business Associate Due Diligence, a Disaster Recovery Policy or a Breach Policy... just to name a few? But, you have your Security Risk Analysis! Do you see where this is headed?

Having done an analysis, or an assessment for that matter, in no way assures HIPAA compliance. Purchasing policies and filling in the blanks doesn't either. So, insisting on that one part of the law (or two or three parts) repeatedly could be overcompensating if you have no plans to implement the recommendations of the report or specify how the policies truly reflect your office procedures. I'm sorry... you might have the plans, but somehow always run out of the time required to execute. The '*I know we need to get to that*' reasoning can only go so far.

Having the report in your hand, or on your desk, or in your HIPAA file because it's law without doing anything else is keeping your employees and your patients in the dark as they just travel comfortably in their lane. Having a set of policies that really aren't your daily practices is just as risky. When something happens, the unaware are colliding head on with the unexpected. Your attempt of safely passing could end in tragedy.

At Kardon Compliance, we offer Risk analysis', and assessments, AND several other training options. We know how difficult it is to read your reports. We generate them. We see what you see. We understand you don't have time to read and review the entire law. It's a great task, to say the least. But, that's our job. We have taken the training and done the reading to learn what this massive report says. We then help you with the translation so that you can implement procedures that mirror effective policies that are specific to your environment.

Obedying the law is one thing. And although an honorable attempt, it can be a veiled attempt if there is no follow through. Feel free to [contact us](#) to learn more about a complete HIPAA Compliance package for your office.