



JEB BUSH, GOVERNOR

RHONDA M. MEDOWS, MD, FAAFP, SECRETARY

Dear Home Health Care Services Administrator:

This letter will serve as confirmation that the Agency for Health Care Administration is in the process of implementing a policy requiring Medicaid providers who create or maintain electronic records to develop and implement policies to comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and associated regulations, including 45 CFR Parts 162 and 164 "Security and Privacy". If your organization creates or maintains electronic records, the Agency will require that your organization establish an electronic records policy that is consistent with the federal law and regulations described above, to ensure the validity and security of electronic records. The Agency will include this new policy requirement in the next version of the Florida Medicaid Provider General Handbook, which is incorporated by reference in Rule 59G-5.020 FAC.

Contingent upon a provider's establishment and compliance with an electronic records policy consistent with the federal HIPAA law and regulations, the Agency will allow the use of telephony to create electronic records which can be maintained by providers in lieu of paper sheets and manual signatures, including electronic time and attendance logs and other data collected by telephone that is stored electronically in a database. However, providers will be required to implement a mechanism by which electronic records can be produced in a paper format within a reasonable time, upon request by the Agency.

Should you have any additional questions, please feel free to contact me or Margaret Dorceus of my staff at 850-487-2618.

Sincerely,

Bob Sharpe
Deputy Secretary for Medicaid

BS/mmd

