


Annual Meeting

2024



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What is Treatment?

HIPAA Definition of Treatment

- Treatment means the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another.

- Health Care

45 CFR 160.103: care, services, or supplies related to the health of an individual. Health care includes, but is not limited to, the following:

(1) ***Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body,*** and

(2) Sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

- Health Care Provider: a provider of services (as defined in section 1861(u) of the Act, 42 U.S.C. 1395x(u)), a provider of medical or health services (as defined in section 1861(s) of the Act, 42 U.S.C. 1395x(s)), and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business
 - Provider of services: a hospital, critical access hospital, rural emergency hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, or, for purposes of section 1395f(g) and section 1395n(e) of this title, a fund.
 - Provider of medical or other health services

Commentary about Treatment from the HIPAA Final Rule

- “Treatment’ includes coordination or management by a health care provider with a third party and consultation between health care providers.
- “Treatment refers to activities undertaken on behalf of a single patient, not a population. Activities are considered treatment only if delivered by a health care provider or a health care provider working with another party. Activities of health plans are not considered to be treatment.”
- “Activities often referred to as risk assessment, disease and case management are treatment activities only to the extent that they are services provided to a particular patient by a health care provider; population based analyses or records review for the purposes of treatment protocol development or modification are health care operations, not treatment activities.”
- “Outreach programs as described by the commenter may be considered either health care operations or treatment, depending on whether population-wide or patient-specific activities occur, and if patient-specific, whether the individualized communication with a patient occurs on behalf of health care provider or a health plan. For example, a call placed by a nurse in a doctor’s office to a patient to discuss follow-up care is a treatment activity. The same activity performed by a nurse working for a health plan would be a health care operation. In both cases, the database analysis that created a list of patients that would benefit from the intervention would be a health care operation.”
- “A single program described as a “case management” effort may include both health care operations activities (e.g., records analysis, protocol development, general risk assessment) and treatment activities (e.g., particular services provided to or coordinated for an individual, even if applying a standardized treatment protocol).”
- “We have modified this definition to instead include “the provision, coordination, or management of health care and related services.” This definition allows health care providers to offer or coordinate social, rehabilitative, or other services that are associated with the provision of health care. Our use of the term “related” prevents “treatment” from applying to the provision of services unrelated to health care.”
- “We consider health promotion activities to be preventive care, and thus within the definition of health care. In addition, such activities that are population based are included in the definition of health care operations.”
- “Comment: A number of commenters asked that we include disease management activities and other similar health improvement programs, such as preventive medicine, health education services and maintenance, health and case management, and risk assessment, in the definition of “health care.” Commenters maintained that the rule should avoid limiting technological advances and new health care trends intended to improve patient “health care.”
 - “Response: Review of these and other comments, and our fact-finding, indicate that there are multiple, different, understandings of the definition of these terms. Therefore, rather than create a blanket rule that includes such terms in or excludes such terms from the definition of “health care,” we define health care based on the underlying activities that constitute health care. The activities described by these commenters are considered ‘health care’ under this rule to the extent that they meet this functional definition. Listing activities by label or title would create the risk that important activities would be left out and, given the lack of consensus on what these terms mean, could also create confusion.”


Examples of Network Definitions of Treatment

- Carequality: Treatment is used as defined in HIPAA
- eHealth Exchange: Treatment as defined in HIPAA
- TEFCA
 - Treatment: as defined in HIPAA
 - TEFCA Required Treatment:
 - Can only be used by Covered Entities that electronically transmit any health information in connection with transactions for which the Department of Health and Human Services (HHS) has adopted standards in the normal course of business and are one of the types of Health Care Providers listed in the SOP.
 - Can only be asserted if the Query is in connection with or intended to inform health care services that Health Care Provider is providing or intends to provide to a patient through synchronous or asynchronous interaction (either in-person or virtual) with a Licensed Individual Provider.

Meet the Panel

- Micky Tripathi
- Deven McGraw
- Dr. Peter Schoch
- Michael Marchant

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Is it Treatment?

Treatment and Trials

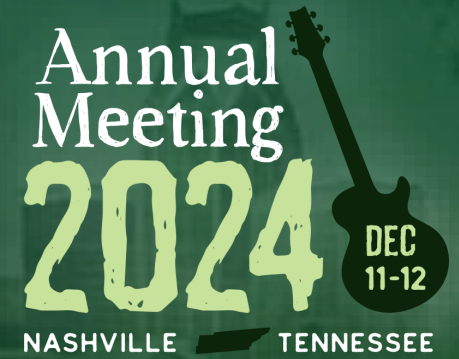
Sally has been to many doctors about intractable pain in her knee. She just started seeing a new pain management specialist because all of the previous treatments failed. Her new specialist is actively involved in various clinical trials and wants to see whether Sally qualifies for any of those trials. He wants to make sure that all of Sally's relevant medical history is considered when determining whether she meets the inclusion/exclusion criteria for various trials so he wants to query all of the HINs in which he practice participates. Is his query for treatment?

Treatment and Care Gaps

An ACO just signed a new value-based agreement with a payer. As part of this new agreement, the ACO and its providers are now responsible for managing the care for a large diabetic population. The ACO wants to submit a query on each of the diabetic patients that it is now responsible for to determine whether there are any gaps in care that need to be addressed by the providers in the ACO. Are these queries for treatment?

Treatment and Care Management Apps

Billy has multiple co-morbidities, is on multiple meds and is supposed to monitor multiple vitals on a daily basis (blood sugar, blood pressure, weight). He is having trouble managing everything so he signed up for an app that for \$50/month will provide him with a care management plan that is evidence-based and reviewed and approved by a clinician, and sends him reminders about his meds and notifications when his vitals are out of range. He's also able to consult a nurse if he has questions. The nurse may be able to answer the question or will instruct Billy to see his normal healthcare provider. The app wants to query for Billy's records to ensure that the care management plan takes into account all relevant clinical information and is updated as Billy sees his providers and they change his meds. Is the app's request for treatment?



Closing Thoughts

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carequality