



COMMUNITY MENTAL HEALTH ADMINISTRATION

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Mark A. Hackel
County Executive

COMPLIANCE ALERT

John L. Kinch
Executive Director

Date: June 30, 2017

BOARD OF DIRECTORS

Kathy D. Vosburg
Chairperson

To: Macomb County Community Mental Health Workforce Members
(administrative and directly-operated network providers)
MCCMH Board Contracted Organizational Network Provider Workforce
Members

Joan Flynn
Vice-Chairperson

From: Kimberly Cope,  MCCMH Corporate Compliance Officer

Linda K. Busch
Secretary-Treasurer

RE: Offshore Claims/Billing Prohibition

Marilyn Brown
Louis J. Burdi
Nick Ciaramitaro
Susan Doherty
Barry J. Gross, D.O.
Phil Kraft
Brian Negovan
Christopher M. O'Connell, D.O.
Selena M. Schmidt

It has come to the attention of Macomb County Community Mental Health (MCCMH) that some providers may allow an offshore entity in another country to perform administrative functions on its behalf. Please be advised that MCCMH will not accept claims/billing from any offshore entity whether it is the provider or a business associate of the provider. Additionally, offshore entities will not be provided access to Focus, the MCCMH electronic medical record/ billing platform.



A CARF Accredited
Organization

Under HIPAA, covered entities have a statutory duty to maintain reasonable and appropriate administrative safeguards to protect PHI against any reasonably anticipated threats to the security of the information as well as unauthorized uses or disclosures of PHI. 45 CFR 164.306(a). A covered entity is required to reasonably safeguard PHI from any intentional or unintentional use or disclosure that would violate the law. 45 CFR 164.530(c)(2)(i)



MEMBER

MCCMH will not accept claims/billing processed by offshore entities because of concerns surrounding the legal and practical enforceability of HIPAA, such as whether the provider could successfully assert jurisdiction over a party in a foreign country, whether providers can adequately compel off shore entities to comply with HIPAA, and whether government agencies will be able to enforce U.S. laws and regulations across national borders. Unfortunately, the standards of privacy protections in other countries may not be equivalent to those in the US. Therefore, MCCMH will not accept claims/billing from any offshore entity nor will access to Focus be granted.