



HITECH Modifications to the HIPAA Regulations

Effective date: March 26, 2013; Compliance date: September 23, 2013

On January 25, 2013, The Department of Health and Human Services Office for Civil Rights published the Modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules under the HITECH Act.

The Privacy and Information Security offices are working with the Joint Privacy & Information Security Work Group to analyze the Final Rule on behalf of the Nebraska Medical Center Affiliated Covered Entity (ACE) and will modify policies and procedures.

HIPAA Changes

- **Business Associates** must comply with the HIPAA Security Rule and elements of the Privacy Rule; business associate agreements must be modified
- **The Notice of Privacy Practices** must be modified but does not need to be reissued to patients
- **Marketing** rules set new limits on how information may be used and disclosed
- **Sale of PHI** definition created with exceptions for some cost-based transfers
- **Fundraising** – additional categories of protected health information (PHI) may be used for fundraising including department of service, treating physician, outcome information and health insurance status. All other restrictions related to fundraising using PHI apply.
- **Researchers** may include authorizations for future research such as tissue banks, within another research authorization; future use of PHI does not need to be protocol specific
- **Decedent health information** is no longer PHI 50 years after death, and there is increased flexibility regarding access to PHI by persons involved in decedent's previous care or payment
- **Genetic information** is defined as PHI
- **Student immunization records** may be transferred to schools with parent/guardian verbal consent
- **Breach Notification Rule** – removal of "harm threshold"; notification required when PHI is compromised

REMEMBER that members of the workforce have an obligation to report suspected HIPAA violations – ALL Breach Notification is handled by the Privacy Office

QUESTIONS: Contact the Privacy Office at 9-5136/9-6767 or the Information Security Office at 9-2545

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