

## **News Flash: HIPAA Changes**

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The American Recovery and Reinvestment Act included several changes to the HIPAA Privacy Rule, most of which will become effective February 2010. These were summarized in a recent edition of DoctorsManagement's *HIPAA Notes*. However, the compliance date requiring covered entities to notify individuals and agencies of privacy breaches has been moved up to September 23, 2009.

Beginning on that date, all covered entities must immediately notify a patient when his or her protected health information is acquired, accessed, used or disclosed inappropriately. If the breach included fewer than ten individuals, the covered entity must make reasonable efforts to notify the individuals affected by mail or by other means, depending on the contact information available. The notification must include the name of the individual(s) affected, the type of information included in the breach, the date of the breach, recommended steps for the individual to take to prevent further problems, and the steps the covered entity is taking to mitigate damage.

If the breach involves ten or more individuals, but fewer than five hundred, the information must be posted on the web site of the Department of Health and Human Services. If more than five hundred individuals were affected, the covered entity must also release the information to the media.

If a business associate (BA) discovers a breach that occurred in a work place, the BA must then report the breach to the covered entity.

(45 CFR parts 160 and 164, Federal Register Volume 74, Number 162, published August 24, 2009.)

Additionally, the DHHS has now transferred the responsibility for enforcing the HIPAA Security Rule to the Office for Civil Rights (OCR). Previously, the OCR had been responsible only for enforcing the Privacy Rule, and the Centers for Medicare and Medicaid Services had been responsible for enforcing the Security Rule.

