



HEALTH INSURANCE PORTABILITY ACCOUNTABILITY ACT OF 1996 (HIPAA)

1996 Federal Law: Required Health and Human Services providers to develop and implement standards for health care transactions including code sets, unique health identifiers, and security. 1996 law also incorporated provisions mandating the adoption of privacy protection individually identifiable health information.

2002 PRIVACY RULE

Set national standards for the protection of identifiable health information by covered entities or their business partners who conduct electronic standard healthcare transactions.

GENERAL PRINCIPLES

Covered entities **MUST** obtain written authorization from the individual for any use of PHI that is **NOT** for: treatment, payment, or healthcare operations.

Individuals have a right to the copy of their designated record set

POTENTIAL CONSEQUENCES

- Lowest level is a misdemeanor
- Second level is felony
 - Identify theft/financial gain
- Civil penalties (fines)
- Prison for 1 year/ \$50,000
- Lie/use deception to get or give our medical information you're not supposed to
 - Prison for 5 years/\$100,000

COVERED ENTITIES

- Health plans
- Health Care Providers
- Healthcare Clearinghouses
- Providers who bill directly or use billing service (even for one use)
- Business Associates

PROTECTED HEALTH INFORMATION (PHI)

Includes any information that could be used to identify an individual's past, present, or future physical or mental health, including demographic data.

2003 SECURITY RULE

Set standards for protecting confidentiality, integrity, and availability of electronically protected health information, including Physical and Technical Safeguards.

BREACH RULE

Notification rule requires covered entities and associations to provide notification following a breach of unsecured PHI

- Must provide information to HHS Secretary
- Notify affected individuals
- If more than 500 residents in state effected then media release

HITECH ACT

If you share confidential information with your partner, spouse, family member, friend and they share with someone else- they could face criminal charges