

HIPAA CHANGES 2009

A HIPAA Compliance Alert

Effective February 17, 2010

Business Associates

Business associates will have to comply with certain HIPAA regulations.

Federal Breach Notification Requirement

Covered entities will be required to report when they learn that unsecured protected health information of participants has been subjected to unauthorized access, use, or disclosure.

Requested Restrictions

Patients will have the right to request that certain information be withheld from their insurance company if the restrictions apply to payment and health operations (not for treatment purposes).

Accounting of Disclosures

Covered entities will be required to provide an accounting of *all non-oral* disclosures.

Enforcement Penalties

- Business associates may be penalized for violations
- State attorneys are authorized to enforce HIPAA regulations.
- Civil penalties have been increased to up to **\$50,000** per violation, with a maximum of **\$1.5 million**.
- HHS will be *required* to impose these penalties when violations are found.

Minimum Necessary

HHS is required to provide additional guidance on the “minimum necessary” requirement.



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training and “surprise” audits!***