



HEALTH CARE UPDATE

Office of Civil Rights Proposes Changes To HIPAA Privacy, Security & Civil Sanctions Rules In Response to Hi-Tech Act

July 9, 2010

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July 8, 2010

Start tightening your health information privacy and security practices! The U.S. Department of Health & Human Services Office for Civil Rights (OCR) on July 8, 2010 proposed changes to its existing Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy, Security, and Enforcement Rules in response to amendments enacted under the Health Information Technology for Economic and Clinical Health (HITECH) Act of 2009. Because of the lead time required to implement needed changes in policies, technology and training, health care providers, health plans, healthcare clearinghouses and their business associates should evaluate and begin preparations to adjust their health information privacy and data security policies and practices in anticipation of the finalization and implementation of these rules.

The more than 220 page [Notice of Proposed Rulemaking](#) (NPRM) proposes to revise the existing Standards for Privacy of Individually Identifiable Health Information (Privacy Rule); the Security Standards for the Protection of Electronic Protected Health Information (Security Rule); and the rules pertaining to Compliance and Investigations, Imposition of Civil Money Penalties, and Procedures for Hearings (Enforcement Rule) issued under HIPAA.

Solutions Law Press is finalizing arrangements to host a briefing on the proposed changes in August and planning more detailed updates on these developments. Stay tuned to Solutions Law Press for additional updates and details about a future briefing on these proposed HIPAA changes and other developments affecting HIPAA and other health plan and human resources matters. In the meanwhile, you may want to check out other existing Solutions Law Press updates and resources about HITECH Act and other HIPAA developments such as [HIPAA Heats Up: HITECH Act Changes Take Effect & OCR Begins Posting Names, Other Details Of Unsecured PHI Breach Reports On Website.](#)

The author of this update, attorney Cynthia Marcotte Stamer, has extensive experience advising and assisting health care providers and other health industry clients with HIPAA and other privacy and data security, reimbursement, compliance, public policy, regulatory, staffing, and other operations and risk management matters. Ms. Stamer also regularly conducts training on HIPAA and other health industry compliance, management and operations matters. You can get more information about her health industry experience [here](#). If you need assistance with these or other compliance concerns, wish to inquire about arranging for compliance audit or training, or need legal representation on other matters please contact Ms. Stamer at (469) 767-8872 or via e-mail [here](#).

Other Recent Developments

If you found this information of interest, you also may be interested in reviewing some of the following recent Updates available online by clicking on the article title:

- [NTHCPA July 13 Meeting On Annual Reporting under a Corporate Integrity Agreement](#)
- [Stamer Speaks On “Sex, Drugs & Rock ‘N Role: Personal Misconduct In Health Care” July 21, 2010 In Dallas](#)
- [Cms Proposes Rules To Implement Affordable Care Act Required Expansion Of Medicare Preventive Services And Other 2011 Reimbursement Changes](#)
- [New Law Clarifies Medicare 3-Day Payment Window Rule](#)
- [HHS Invites Comments On Health Center Program Federal Tort Claims Policy Manual](#)
- [NCPDP SCRIPT 10.6 Approved As Medicare Part D/Advantage E-Prescribing Option](#)
- [President Directs Quick HHS Action To Implement Physician Medicare Payment Restoration](#)
- [Proposed Medicare Rules Will Require Hospitals Honor Patient Visitation Preferences](#)
- [IRS Invites Input On Application of New Tax Exemption Requirements For Hospital Organizations Added By Affordable Care Act](#)
- [OIG Touts Expanding Health Care Fraud Enforcement Success & Launches New Health Care Fraud Hotline](#)
- [HHS Invites Input on Proposed Strategic Framework on Multiple Chronic Conditions](#)
- [New CBO Analysis Hikes Projected Affordable Health Care Act Cost by \\$115 Billion](#)

- [Pennsylvania Nurses Vote For Union In NLRB Election Highlights Rising Union Organizing Activity In Health Care Industry](#)
- [WellPoint To Ban Coverage Rescissions Before Affordable Care Act Fall 2010 Deadline](#)
- [DEA/DOJ Release Interim Final E-Prescribing Rules](#)
- [Joint Commission Revises Medical Staff Bylaw Standard](#)
- [IRS To Allow Medical Resident FICA Refund Claims](#)
- [Rising Enforcement and Changing Rules Require Prompt Review & Update of Health Plan Privacy & Data Security Policies & Procedures](#)
- [Pfizer To Pay \\$2.3 Billion For Fraudulent Marketing In Largest DOJ Health Care Fraud Settlement](#)
- [Maximum Penalty For Patient Protection Act Confidentiality Breaches To Rise To \\$11,000](#)

For More Information

We hope that this information is useful to you. If you need assistance evaluating or responding to the Health Care Reform Law or health care compliance, risk management, transactional, operational, reimbursement, or public policy concerns, please contact the author of this update, Cynthia Marcotte Stamer, at (469) 767-8872, cstamer@Solutionslawyer.net.

Vice President of the North Texas Health Care Compliance Professionals Association, Past Chair of the ABA Health Law Section Managed Care & Insurance Section and the former Board Compliance Chair of the National Kidney Foundation of North Texas, Ms. Stamer has more than 23 years experience advising health industry clients about these and other matters. A popular lecturer and widely published author on health industry and human resources matters, Ms. Stamer continuously advises health industry clients about health industry and other related concerns. Ms. Stamer also publishes and speaks extensively on health and managed care industry regulatory, staffing and human resources, compensation and benefits, technology, public policy, reimbursement and other operations and risk management concerns. Her insights on these and other related matters appear in the Health Care Compliance Association, Atlantic Information Service, Bureau of National Affairs, World At Work, The Wall Street Journal, Business Insurance, the Dallas Morning News, Modern Health Care, Managed Healthcare, Health Leaders, and a many other national and local publications. For additional information about Ms. Stamer, her experience, involvements, programs or publications, see [here](#).

You can review other recent health care and internal controls resources and additional information about the health industry and other experience of Ms. Stamer [here](#). If you or someone else you know would like to receive future updates about developments on these and other concerns, please be sure that we have your current contact information – including your preferred e-mail – by creating or updating your profile at [here](#) or e-mailing this information [here](#). To unsubscribe, e-mail [here](#).

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