

Avoid Penalties, Take HIPAA Seriously

The US Department of Health and Human Services (HHS) is very serious about making sure the HIPAA privacy rules are properly enforced. Federal regulators are sifting through 15,000 complaints of alleged violations of HIPAA privacy rules and are investigating 5,000 cases that could result in penalties.

To that end, HHS has published a final enforcement rule that will guide the civil enforcement of the HIPAA privacy, security, standard transactions and identifier rules. The February 16, 2006 final enforcement rule includes a few changes from the April 2005 proposed rule.

The most significant change HHS made in the final version involved the controversial provisions for determining how many violations a covered entity has committed. In counting the violations of an identical requirement, the rule gave HHS discretion to consider the number of times the entity committed the violation, the number of persons involved in or affected by the violation, and the duration of the violation. Other rule changes include: excusing members of an affiliated covered entity from “joint and several” liability if it is established that a single member was responsible for the violation.

The Health Information and Management Systems Society conducted a new survey and found that only 45 percent of providers are compliant with the security rule and only 46 percent are actually conducting compliant transactions. Meanwhile, 60 percent of providers have experienced at least one privacy breach in the past six months and 24 percent experienced between one and five security breaches in the past six months.

What This Means For Counties

Counties should pay attention to the HHS enforcement rule changes so that they will be in a better position to comply. This also points out the need to continue to take HIPAA seriously and to head off potential complaints by adhering to privacy notices and granting individuals access to their protected health information (PHI).

For more information, contact CTSI at 303-861-0507.