

July 14, 2010

New Proposed Rule Would Modify HIPAA

A notice of proposed rulemaking (NPRM) was issued to modify the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security, and Enforcement Rules. The proposed rule would implement recent statutory amendments under the Health Information Technology for Economic and Clinical Health (HITECH). The NPRM was issued by the Department of Human Health and Services (HHS) last week.

According to the HHS, the modifications would strengthen and expand enforcement of HIPAA Privacy, Security, and Enforcement Rules by:

- Expanding individuals' rights to access their information and to restrict certain types of disclosures of protected health information to health plans
- Requiring business associates of HIPAA-covered entities to be under most of the same rules as the covered entities
- Setting new limitations on the use and disclosure of protected health information for marketing and fundraising
- Prohibiting the sale of protected health information without patient authorization

In addition, HHS announced it is looking into entities that are not covered by HIPAA rules to see how they handle personal health information. They will decide if additional privacy and security protections are needed for these entities.

HHS also launched today a [privacy website](#) to give the public visitors easy access to information about existing privacy efforts and the policies.