

# HIPAA HITECH EXPRESS

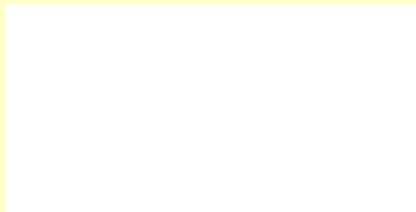
January 30, 2013

## **HIPAA HITECH Final Rule Changes things for Business Associates**

The final rule changes to HIPAA HITECH were announced the other day and will be published at <http://federalregister.gov/a/2013-01073> on the 25th of January. The most important changes to us here at QI Partners and many of our customers is a more stringent compliance required of Business Associates. Under the final rule Business Associates are just as responsible and liable for the protection of PHI as the covered entities that they serve. The generic Business Associate "Due Diligence" that was expected but rarely enforced is replaced by direct liability with the potential consequences from HHS OCR that are the same as Covered Entities. This is big news and we hope BAs will take seriously the need to develop their risk management programs and security and privacy capabilities to meet HIPAA requirements.

Also of note is the explicit inclusion of various Health Information Organizations, E-prescribing Gateways and persons or entities that provide health records on behalf of a covered entity. It is interesting to see the increased responsibilities of Business Associates and direct inclusion of Exchanges specifically E-prescribing gateways. It looks like exchanges and gateways are paying immediate attention, if only for marketing reasons to let prospective exchange members know they are compliant. This means that most of the new infrastructure that is being built to implement meaningful use of electronic health records will fall under these rules. Effective date of the Final Rule is March 26, 2013. The "new" rules impacting BAs must be met within 180 days.

Many Business Associates are starting to realize that yes they are now fully under the HIPAA HITECH umbrella. No longer can they rely on being associated with a Covered Entity. Not only are BAs starting to plan their compliance efforts but Providers are starting to realize they need to update their Business Associate agreements. Looks like additional work for Business Associates and hopefully security for all.



### **The HIPAA HITECH EXPRESS Team**

KeySys Health & Inforstec are Women-Owned, Accounting and Technology Firms that have come together to provide a complete solution to help healthcare organizations transform a potentially complex and difficult security and privacy compliance effort into a straight forward process. The solution, HIPAA/HITECH Express offers clients a comprehensive, documented, manageable HIPAA security risk compliance process.

