



Supporting Quality Health Care Services at Home

# Special Alert

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## HHS Publishes Final HIPAA Rule – Eases Paperwork Burden on Providers

Instead of obtaining written consent, providers will have to notify patients of their privacy rights and make a “good-faith effort” to obtain a written acknowledgement of receipt of the notice.

This provision was included in the final rule for the Health Insurance Portability and Accountability Act of 1996 (HIPAA) released by HHS in the August 14 edition of the *Federal Register*. This 400 page rule is the final comprehensive federal regulation on patient privacy and protection of medical records.

HHS stated that the HIPAA rule empowers patients by guaranteeing them access to their medical records, giving them more control over how their protected health information is used and disclosed.

The final rules will go into effect on April 14, 2003 and reflects more than 11,000 public comments that HHS received to a March 2002 request. This final rule modifies the original privacy rule that was issued on April 14, 2001.

According to *BNA's Health Care Policy Report*, HHS Secretary Thompson stated that the former rule “while well-intentioned, would have forced sick or injured patients to run all around town getting signatures before they could get the power to protect their privacy and still get efficient health care.”

Additional provisions of the rule include:

- Data which does not include patient-identifying information (such as name and social security number) may still be used for continuing research studies and public health observation;
- Patient’s ability to access medical records and request changes to errors;
- New standards prohibiting covered entities from selling personal medical information to a business that wants to market its products or services under a business associate agreement.
- Medical information cannot be disclosed to an employer unless authorized by the patient; and
- Parental access to their children’s medical records.

“This final HIPAA rule will finally enable providers to move ahead with their compliance plans,” stated AAHomecare President & CEO, Tom Connaughton, “It also reduces a lot of unnecessary paperwork for providers, allowing them to spend more time treating patients and not interfering with a patient’s right to get timely, effective care.”

More information about the new rules can be accessed online at:

<http://www.hhs.gov/ocr/hipaa/>