



# Medical Privacy and The Stimulus Bill

## New HIPAA Provisions Require Security and Privacy by "Business Associates" of Covered Entities

As part of the federal stimulus bill passed February 17, 2009, **new information security and privacy laws** were enacted that significantly **expand the scope of the HIPAA**. The new Health Information Technology for Economic and Clinical Health Act (HITECH) law has two main effects. **FIRST**, it requires HIPAA compliance not only for doctors, hospitals, medical insurers, health care providers and other "covered entities" but also for the **"business associates" for these "covered entities."** **SECOND** it creates a new duty for both covered entities and their business associates to **promptly and effectively notify patients** or other individuals about whom they may have collected Protected Health Information (PHI) in the event of a data "breach." As a result, if you were not covered by HIPAA before, you may be covered now.

## If You Are NEWLY Covered By HIPAA

HIPAA required "covered entities" to have **administrative, physical, and technical safeguards, and policy, procedure, and documentation** demonstrating compliance with the security and privacy policies under the law. Hospitals and doctors were already required to have detailed, documented and available privacy and security policies to ensure the security and privacy of PHI. The new law extends these requirements to virtually any entity that may receive PHI. This can include **accountants, auditors, casualty insurers, lawyers, consultants, as well as technology providers, document processors, and even potentially Internet Service Providers and web hosting services.** **Secure IT Experts has world-class experts in the areas of regulatory compliance, HIPAA, policy development and review, information security and controls, risk management and mitigation, and incident response.** We can help you **craft agreements** between HIPAA covered entities and their business associates that appropriately **assign risk and responsibility** for protecting and securing PHI, **risk mitigation procedures** to protect the data, and **security awareness**, training and incident response services to ensure compliance with HIPAA by all parties involved. **Secure IT Experts** can help you draft the newly required **"business associate agreements"** designed to protect PHI data wherever it may reside.

Federal Stimulus  
Bill Passed  
February 17, 2009

New Privacy and  
Security Rules for  
Business Associates

New HIPAA Breach  
Disclosure Provisions

New Civil and  
Administrative  
Sanctions

"Any organization that provides data transmission of PHI must enter into a HIPAA-compliant business associate agreement. This applies to "any vendor that contracts with a covered entity to allow that covered entity to offer a personal health record to patients as part of its electronic health record.""

*"World Class Security Expertise for Everyone"*

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# HIPAA inSITE Services

## Secure IT Experts Can Help Avoid Penalties

The new law also establishes civil **and criminal penalties** for failure to comply of up to \$50,000 per violation. It also allows individuals harmed by privacy and security violations to **receive a percentage** of the fine for the first time. Secure IT Experts can help you prevent violations whether you are a covered entity or a business associate and mitigate your risk and exposure.

## Secure IT Experts and Data Breach Notification

Starting August 16, 2009, HIPAA covered entities, business associates and vendors who handle personal health records will have to comply with **new nation-wide federal PHI data breach notification** requirements. Secure IT Experts can help you not only **prevent and detect such improper disclosures**, but also to mitigate the potentially harmful effects. The law grants jurisdiction not only to the HHS but also the FTC. In the event of a breach, **Secure IT Experts** can help you **notify affected individuals of a breach** involving “unsecured” protected health information and work with business associates to obtain information about such a breach. **Secure IT Experts can help reduce your risk, secure PHI, detect attempted attacks, ensure regulatory compliance, and coordinate any incident response or notifications required by the new rules.**

The breach notification provision requires both covered entities and business associates to **notify affected parties directly and individually in a timely manner**

## About Secure IT Experts

**Secure IT Experts** takes a new approach to risk management. We have assembled a team of world-class experts in virtually every aspect of technology risk management – compliance, assessment, audit, insurance, policy, and specific technological solutions. We recognize the threats and risk businesses encounter every day. That is why this collaboration of world-class Experts has come together to provide you **with cost effective solutions** – learning YOUR unique challenges and assembling the right team FOR YOU. These Experts own the challenges of protecting your data and information assets from beginning to end. Security, compliance, recovery – that’s what we do.....**covering the full range of security posture options.** Our combined decades of experience transform security problems into business solutions. You have enough to focus on in these economic times instead of worrying about a data breach. Let Secure IT Experts be the agile team that eliminates roadblocks and paves a secure path for your strategies. We have only one focus – our customers. We are about making you succeed. Let Secure IT Experts get you where you need to go and keep you out of the headlines. Contact us and let us find the right solution and the right expert for you.

**“World Class Security Expertise for Everyone”**

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