# 4.4 FINAL PROJECT - VIDEO PRESENTATION ITE239-O

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# TOPIC

## HIPAA/HITECH (Health Information Technology for Economic and Clinical Health) Act Compliance

# DEFINE YOUR CHOSEN REGULATION/FRAMEWORK (WHAT DOES IT DO? WHY WAS IT DEVELOPED?)

The Health Insurance Portability and Accountability Act (HIPAA) sets the protection standard for sensitive patient data. The companies that deal with protected health information (PHI) must have physical, network, and process security measures in place and follow them to ensure HIPAA Compliance.

# (WHAT DOES IT DO? WHY WAS IT DEVELOPED?)

## What does it do?

(HIPAA) is a federal law that works to set rules about who can see and receive your health information. This law gives you rights regarding your health information and when that information can be shared.

## Why was it developed?

HIPAA was developed to ensure the protection of patients' private health information. Creating HIPAA also improves health insurance coverage and reduces administrative complexity. HIPAA helps to prevent fraud in the healthcare system.

# WHO/WHERE DOES THIS REGULATION/FRAME WORK PRIMARILY AFFECT?

HIPAA compliance violations can lead to severe repercussions for healthcare organizations. Fines and penalties can be substantial, ranging from thousands to millions of dollars, depending on the severity of the violation and the organization's response.
Legal action may be taken against the organization by affected individuals, resulting in costly lawsuits and settlements. A violation can also tarnish an organization's reputation, eroding trust among patients and the public and potentially leading to a loss of business. In extreme cases, intentional or grossly negligent violations of HIPAA can lead to criminal charges

# WHAT ARE SOME KEY COMPONENTS OF THIS REGULATION/FRAMEWORK?

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| **1. Privacy rule** | The privacy rule sets the standards for how covered entities (healthcare providers, health plans, and clearinghouses) handle and protect PHI. | **2. Security rule** | The security rule establishes requirements for the security of electronic PHI (ePHI). |
| **3. Breach notification rule** | Covered entities and their business associates are required to report breaches of unsecured PHI to affected individuals, the U.S. Department of Health and Human Services (HHS), and, in some cases, the media. | **4. Enforcement rule** | The Enforcement Rule outlines the procedures and penalties for non-compliance with HIPAA regulations. |
| **5. HITECH Act** | The Health Information Technology for Economic and Clinical Health (HITECH) Act, passed in 2009, strengthened HIPAA by expanding its scope to include business associates of covered entities. | **6. Business associate agreements (BAAs)** | Covered entities must enter into BAAs with their business associates, such as third-party vendors who handle PHI on their behalf. |

## HIPAA COMPLIANCE HAS 6 KEY COMPONENTS

# WHAT ARE THE REPERCUSSIONS FOR NOT ADHERING TO THE REGULATION/FRAMEWORK?

THERE ARE TWO TYPES OF HIPAA VIOLATIONS, CIVIL AND CRIMINAL. THE PENALTIES CAN INCLUDE FINES, CORRECTIVE ACTION PLANS, OR EVEN JAIL TIME

## PRISON??

A person who knowingly obtains or discloses individually identifiable health information violating the Privacy Rule may face a criminal penalty of up to $50,000 and up to one-year of imprisonment.

Failure to comply with HIPAA can also result in civil and criminal penalties. If a complaint describes an action that could violate the criminal provision of HIPAA, OCR may refer the complaint to the Department of Justice (DOJ) for investigation.

## FINE ??

The OCR issues penalties for HIPAA violations. These range in severity based on the offense's nature and the offender's knowledge of the violation. HIPAA violations can involve one single person’s PHI

# Types of HIPAA Violations and Their Penalties

## Civil Violations & Penalties

**Tier 1:**
Unaware of the HIPAA violation and exercised reasonable due diligence

**Penalty:**
Minimum **$100** per violation, maximum **$25,000** per year

**Tier 2:**
Reasonable cause and actions were not "willfully neglectful"

**Penalty:**
Minimum **$1000** per violation, maximum **$100,000** per year

**Tier 3:**
Willful neglect but did attempt to resolve the issue afterward

**Penalty:**
Minimum **$10,000** per violation, maximum **$250,000** per year

**Tier 4:**
Willful neglect and did not attempt to resolve the issue afterward

**Penalty:**
Minimum **$50,000** per violation, maximum **$1.5 million** per year

## Criminal Violations & Penalties

**Tier 1:**
Deliberately obtaining and/or disclosing PHI without authorization

**Penalty:**
Up to **one year in jail** and a **$50,000** fine

**Tier 2:**
Obtaining PHI under false pretenses

**Penalty:**
Up to **five years in jail** and a **$100,000** fine

**Tier 3:**
Obtaining PHI for personal gain or with malicious intent

**Penalty:**
Up to **10 years in jail** and a **$250,000** fine

# HOW DOES THIS REGULATION/FRAMEWORK AFFECT HOW IT/CYS DOES THEIR JOB?

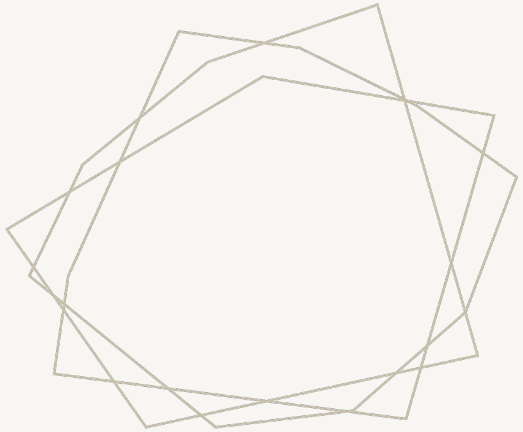
HIPAA has a big impact on IT and cybersecurity jobs because they work to ensure the confidentiality and integrity of patients' health information. These roles are crucial to maintaining and building secure systems. They work to enforce strict access controls and respond to security incidents. They will make sure organizations comply with HIPAA's strict privacy rules and security requirements. This could affect these jobs as if something goes wrong, they will be the first to be called.

# SUMMARY

**HIPAA/HITECH (Health Information Technology for Economic and Clinical Health) Act Compliance**

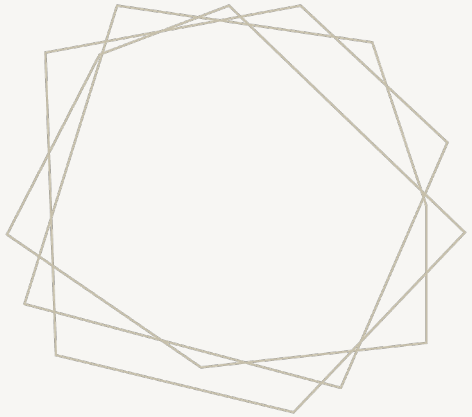

The HIPAA Security Rule requires healthcare professionals to Reasonably protect patients' privacy by setting up safeguards on all equipment, data storage devices, administrative software, and computer systems, as well as proper cybersecurity protection. Prevent unauthorized disclosure of private information. HIPAA doesn't just protect patients it also extends protection to organizations and company executives when they adhere to its laws. By understanding how to safeguard patient data and personal information, HIPAA safeguards staff as well. It a global protection.

# RESOURCES



HTTPS://SECUREFRAME.COM/HUB/HIPAA/VIOLATIONS

HTTPS://WWW.TECHTARGET.COM/SEARCHHEALTHIT/DEFINITION/ELECTRONIC-PROTECTED-HEALTH-INFORMATION-



HTTPS://WWW.SAFETICA.COM/BLOG/HIPAA

https://medtrainer.com/blog/how-does-hipaa-compliance-affect-healthcare-facilities/

HTTPS://WWW.HIPAAJOURNAL.COM/HIPAA-HISTORY/

HTTPS://ATLAN.COM/WHAT-IS-HIPAA-COMPLIANCE/

# THANK YOU


Minimum information necessary
Patient relationship
HIPAA
PHI request
Disclosure