



## HIPAA Update Part II What You Need To Do Now



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As we all wade through the voluminous HIPAA Mega-Rule, the question that keeps coming up is: "What do we do now?" Below is a list of things covered entities need to do to implement the new HIPAA requirements. Covered entities need to be in compliance with the Mega-Rule by September 23, 2013.

### **1. Review and revise your Notice of Privacy Practices ("NPP").**

Several new statements must be included. In addition, you must determine how the "material changes" to the NPP will be distributed.

### **2. Review and revise your HIPAA Authorization Form.**

**3. Review and revise your Business Associate Agreement and prepare an amendment for you existing Business Associate Agreements or execute new ones with existing business associates.**

### **4. Revise HIPAA Privacy Policies and forms pertaining to the following:**

- Definition of PHI (now includes genetic information)
- Access to records (address PHI maintained electronically)
- Disclosures to third parties
- Requested restrictions
- Marketing
- Fundraising
- Notification to persons involved in a patient's care
- Research
- Decedents
- Immunization records
- Breach notification

### **5. Consider purchasing cyber insurance.**

Although insurance is not a substitute for compliance, because the costs of breach notification and penalties are so high, a good cyber insurance policy is becoming a necessity for many covered entities.

## 6. Implement risk assessment and risk management plans.

HIPAA requires covered entities to conduct periodic risk assessments and then to address the risks identified. This is even more important under the expanded liability of the HIPAA Mega-Rule.

## 7. EDUCATE AND TRAIN

It is imperative that your employees are trained regarding the new requirements. Because of expanded liability, you may even need to consider including business associates in your training efforts or monitoring their compliance efforts.

The bottom line is that there is a lot to do to implement the HIPAA Mega-Rule. We are prepared to assist you with all of the above items. If you have questions or would like our assistance, please call either Karen S. Rieger at (405) 235-7788, [karen.rieger@crowedunlevy.com](mailto:karen.rieger@crowedunlevy.com) or Cori H. Loomis (405) 234-3238, [cori.loomis@crowedunlevy.com](mailto:cori.loomis@crowedunlevy.com).

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