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## **~~HIPAA~~ PRIVACY COMPLIANCE GUIDE**

Essential Questions:

1. Is there a duty to take preventive measures to ensure that client's protected health information and/or confidential information is protected?
2. What preventative measures should be taken to ensure that a client's protected health information and/or confidential information is secure and avoid penalties?



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## ROAD MAP

1. History of HIPAA and the Texas health privacy act;
2. Attorney general's report and the report to congress
  - a) Review the top compliance issues
  - b) Review cases from the attorney general's report and the report to congress;
3. Does HIPAA and/or the Texas health privacy act apply to my business?
4. Enforcement under Texas law
5. Compliance standards
6. Minimum necessary
7. Best interest

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## HISTORY OF HIPAA PRIVACY:

- Federal law: HIPAA is the acronym of the Health Insurance Portability and Accountability Act of 1996.
- Where can you find it?
- Purpose?
- What are the Administrative Simplification provisions?
- The key components of Administrative Simplification include:
  - Standardized electronic transmission of common administrative and financial transactions (such as billing and payments);
  - Unique health identifiers for individuals, employers, health plans, and health care provisions; and
  - Privacy and security standards to protect the confidentiality and integrity of individually identifiable health information.

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## TEXAS LAW

- House Bill 300 now The Texas Medical Records Privacy Act codified in Chapter 181 of the Texas Health and Safety Code [Exhibit “A”]:
  - Expands the definition of what is considered a “covered entity”;
  - Has more stringent training requirements; and
  - Has more severe penalties.

## APPLICABILITY OF STATE AND FEDERAL LAW

- Section 181.004(a) A covered entity, as that term is defined by 45 C.F.R. Section 160.103, shall comply with the Health Insurance Portability and Accountability Act and Privacy Standards (“HIPAA”).
- Section 181.004(b) Subject to 181.051, a covered entity, as that term is defined by Section 181.001, shall comply with this chapter.

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## Title search: A HIPAA Privacy Compliance Guide

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13<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session  
"A HIPAA Compliance Guide"