

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

What is HIPAA?

A US law designed to provide a framework for the establishment of a nationwide protection of patients/members confidentiality, security of electronic systems, and standards and requirements for electronic transmission of health information.

What Does This Mean?

HIPAA protects the privacy and security of individual health information through the Privacy, Security and Breach Notification Rules. HIPAA provides individuals with certain rights pertaining to their health information.

HIPAA Privacy Rule

The Privacy Rule protects Lakeland Care, Inc. (LCI) members' medical records and other personal health information (PHI). It requires safeguards be in place to protect LCI members' PHI and limits who can use or receive member information without the members authorization.

The HIPAA Privacy rules provide members certain rights over their health information. These rights include:

- A right to examine and obtain a copy of their medical record.
- A right to request amendments (corrections) to their medical record.
- A right to request limitation of who can use or see their medical record.
- A right to request a list of everywhere and everyone his or her medical information was released to.
- A right to request alternative forms and/or locations of communication.

HIPAA Security Rule

The Security Rule protects LCI members' electronic PHI that is created, received, used or maintained by LCI. It requires safeguards be put in place to ensure confidentiality, integrity and security of electronic PHI. This is done through administrative, physical and technical safeguards.

- Administrative safeguards
 - Required policies and procedures
- Physical safeguards
 - Physical barrier and devices used to maintain security
 - Locks on doors, securing buildings
- Technical safeguards
 - Technical devices
 - Computer passwords, encryption, data backup

Any LCI member PHI released needs to be kept to the "minimum necessary" to accomplish the request. Do not give out more information than requested. If a request requires less information than what is being requested, only give out what is needed to fulfil the request.

HIPAA Breach Notification Rule

The Breach Notification Rule requires LCI to provide notification to affected individuals, DHS, and in certain cases, the media following a breach of unsecured PHI. Providers must notify LCI of the breach without unreasonable delay and no later than 60 days from discovering the breach. Providers must supply LCI with the identity of each member affected and as much available information possible regarding the breach of PHI.

LCI must be notified of a HIPAA breach through one of the following methods:

- **Email:** Compliance@lakelandcareinc.com
- **Phone:** 920-906-5100
- **Mail:** Lakeland Care, Inc.
Attn: Privacy Officer
N6654 Rolling Meadows Dr.
Fond du Lac WI 54937

Who Must Comply with HIPAA Rules?

Covered entities and business associates must follow HIPAA rules.

HIPAA Violations Penalties

The Office of Civil Rights enforces HIPAA Privacy, Security and Breach Notification Rules. Violations may result in civil monetary penalties. In certain circumstances, criminal penalties can be enforced by the Department of Justice.

Covered entities and business associates are required to follow HIPAA rules.

Definitions

Protected Health Information (PHI): Individually identifiable health information held or transmitted by a covered entity or its business associates.

Covered Entity: A health plan, a health care clearinghouse, or a health care provider who electronically transmits any health information in connection with a transaction covered by HIPAA.

Business Associate: a person or entity that performs certain functions or activities that involves the use or disclosure of protected health information on behalf of, or provides services to, a covered entity.

Resources

U.S. Department of Health and Human Services (HHS), HIPAA Privacy Rule,
<https://www.hhs.gov/hipaa/for-professionals/privacy/index.html>

U.S. Department of Health and Human Services (HHS), HIPAA Security Rule,
<https://www.hhs.gov/hipaa/for-professionals/security/index.html>

U.S. Department of Health and Human Services (HHS), HIPAA Breach Notification Rule,
<https://www.hhs.gov/hipaa/for-professionals/breach-notification/index.html>