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Analyzing HIPAA Today and Going Forward

Journal of AHIMA examines how to make HIPAA work better

CHICAGO – April 6, 2017 – More than 20 years since the Health Insurance Portability and Accountability Act (HIPAA) was established, the legislation can still cause confusion among patients and providers.

The article, "[Is HIPAA Outdated? While Coverage Gaps and Growing Breaches Raise Industry Concern, Others Argue HIPAA is Still Effective](#)," in the April issue of the *Journal of AHIMA* highlights this disconnect and quotes a number of prominent experts about ways HIPAA could be improved to reflect the reality of today's healthcare environment.

"HIPAA combined with the Health Information Technology for Economic Clinical Health Act (HITECH) strengthened privacy rights and helped patients take greater control over their own health information," said American Health Information Management Association (AHIMA) CEO Lynne Thomas Gordon, MBA, RHIA, CAE, FACHE, FAHIMA. "As technology continues to advance rapidly, the challenge is to ensure HIPAA keeps pace. Regardless of how HIPAA evolves, AHIMA will remain focused on helping patients recognize their rights to their own health information and assist providers with compliance."

For example, AHIMA's Privacy and Security Council is working to improve patient understanding of HIPAA by developing a form to accompany the Notice of Privacy Practices (NPP) that patients fill out at the doctor's office. The goal of the form is to improve patient understanding of HIPAA by writing in plain and understandable language.

"Having a very long NPP that's not in a page format doesn't really work. An authorization that is very, very long doesn't really work either," Joy Pritts said in the article. Pritts is the former chief privacy officer at the Office of the National Controller (ONC).

Pritts noted that stricter state laws have helped propel HIPAA updates that better protect the patient. "If you didn't allow the states to do something in this area, we wouldn't be where we are today," she said in the article. "We would not have breach notification in HIPAA if states had not started breach notifications – California in particular. I'm not in favor of federal preemption of state law because that's where a lot of the good ideas originate."

Pritts said in the article that it's not just about what parts of HIPAA need to be fixed or improved but whether regulatory structure needs to be improved. "That's what I would focus on personally and in doing that I would make it a little more uniform between the kind of sensitive information that's covered by HIPAA and what's covered by the Federal Trade Commission (FTC)."

Lucia Savage, JD, who most recently served in the Obama Administration as ONC's chief privacy officer, said that one of the biggest challenges to modernizing HIPAA is that consumers are ready to go mobile to receive their health information but many providers are not. "We've done a really excellent job of raising the awareness of the importance of privacy among healthcare professionals and officer managers ... but in this particular case we maybe overcorrected," she said in the article. "We need to swing the pendulum back a little bit. For a patient to be told 'I can't give you information about you,' it just doesn't hold up to scrutiny."

Also in this issue:

Cyberattacks are increasingly becoming an all too common occurrence in today's healthcare landscape. The article, "[Things Privacy Officers Can Do Today to Defend Against a Cyberattack](#)," addresses this threat and how privacy officers can work collaboratively with the chief security officer to ensure a consistent message to all employees within the organization.

Read these articles and more in the April issue of the *Journal of AHIMA* or online at journal.ahima.org.

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About AHIMA

The American Health Information Management Association (AHIMA) represents more than 103,000 health information professionals in the United States and around the world. AHIMA is committed to promoting and advocating for high quality research, best practices and effective standards in health information and to actively contributing to the development and advancement of health information professionals worldwide. AHIMA's enduring goal is quality healthcare through quality information. www.ahima.org

