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MEMORANDUM

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TO: Health Clients

FROM: Geoff Strommer & Starla Roels
HOBBS, STRAUS, DEAN & WALKER, LLP

RE: *New HIPAA Rules Announced*

Last Friday, the Department of Health and Human Services published the long-awaited HIPAA Omnibus Rule, which implements the requirements enacted under the Health Information Technology for Economic and Clinical Health (HITECH) Act and makes additional changes to the existing HIPAA regulations governing privacy and security of protected health information. If you are interested in accessing the new Omnibus Rule, it is posted at the following website:

https://www.federalregister.gov/articles/search?conditions%5Bagency_ids%5D=221&conditions%5Bpublication_date%5D%5Bis%5D=01%2F25%2F2013&conditions%5Btype%5D=RULE

Importantly, the new Omnibus Rule will require updates to be made to the Notice of Privacy Practices and to existing business associate agreements and business associate agreement templates. The Rule expands certain HIPAA obligations to a covered entity's business associates and their subcontractors. The Rule also includes changes to the HIPAA breach notification requirements that will require revisions to existing policies governing breach notification, and revises the way in which covered entities must approach an individual's requests for disclosure of protected health information to third-parties. Other major provisions of the Rule include use and disclosure of protected health information for fundraising and marketing. The compliance date is September 23, 2013 (though the rule grandfathers certain HIPAA provisions).

We will be thoroughly analyzing the new regulations and will send you updated and more detailed information as soon as possible.

Please contact Geoff Strommer or Starla Roels if you have any questions or concerns in the meantime: gstrommer@hobbsstraus.com; sroels@hobbsstraus.com; 503-242-1745.