



Health Insurance Portability and Accountability Act (HIPAA)

Overview: The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law that requires the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge. The U.S. Department of Health and Human Services (HHS) issued the **HIPAA Privacy Rule** to implement these requirements. The **HIPAA Security Rule** specifically protects a subset of information covered by the Privacy Rule.

The HIPAA Privacy Rule:

The **Privacy Rule** sets standards for the use and disclosure of individuals' health information (known as Protected Health Information or **PHI**) by entities subject to the rule. These individuals and organizations are referred to as "**covered entities.**"

Goals of the Privacy Rule:

- To ensure that individuals' health information is protected.
- To enable the flow of health information needed for the provision and promotion of high-quality healthcare.
- To protect the public's health and well-being.

The Privacy Rule strikes a balance between the protection of health information and the essential uses of information needed for healthcare services, public health, and well-being.

Rights Under the Privacy Rule:

The Privacy Rule outlines individuals' rights to understand and control how their health information is used. One of its major goals is to protect the privacy of individuals seeking care while ensuring that necessary health information is available for high-quality healthcare delivery.

What Information is Protected by HIPAA?

Protected Health Information (PHI) includes all "individually identifiable health information" held or transmitted by a covered entity or its business associates, in any form or media (whether electronic, paper, or oral).

"Individually Identifiable Health Information" refers to information that relates to:

- An individual's past, present, or future physical or mental health or condition.
- The provision of healthcare to the individual.
- The past, present, or future payment for the provision of healthcare.

This information must identify the individual or contain enough data to reasonably identify the individual. Common identifiers include name, address, birth date, and Social Security Number.

HIPAA After Death:

The **HIPAA Privacy Rule** continues to protect the health information of a decedent for **50 years** following the date of death. This period of protection balances the privacy interests of surviving relatives and others with the need for historical records for purposes like research or biography.

During this 50-year period:

- The **personal representative** of the decedent (someone authorized to act on behalf of the decedent or their estate) can exercise the rights under the Privacy Rule.
- This includes authorizing disclosures or accessing the decedent's health information.

For family members or others involved in the individual's healthcare or payment for care prior to death, the Privacy Rule permits disclosures of the decedent's PHI, unless such disclosures are inconsistent with any prior expressed preferences of the deceased individual known to the covered entity.

HIPAA Quiz

1. What is the primary purpose of the Health Insurance Portability and Accountability Act (HIPAA)?

- a) To reduce healthcare costs
- b) To protect sensitive patient health information from being disclosed without the patient's consent or knowledge
- c) To standardize health insurance policies
- d) To promote the use of electronic health records

2. Who issued the HIPAA Privacy Rule to implement the requirements of HIPAA?

- a) The U.S. Congress
- b) The U.S. Department of Health and Human Services (HHS)
- c) The Centers for Disease Control and Prevention (CDC)
- d) The Federal Trade Commission (FTC)

3. What is the main function of the HIPAA Security Rule?

- a) To ensure healthcare providers follow best practices
- b) To protect a subset of information covered by the HIPAA Privacy Rule
- c) To regulate health insurance premiums
- d) To provide access to healthcare data for researchers

4. What does the HIPAA Privacy Rule address?

- a) The payment process for healthcare
- b) The use and disclosure of individuals' health information (PHI) by covered entities
- c) The establishment of health insurance companies
- d) The distribution of healthcare services to underserved communities

5. What is a “covered entity” under HIPAA?

- a) Any healthcare provider who accepts insurance
- b) An individual or organization subject to the HIPAA Privacy Rule
- c) Any business that uses electronic health records
- d) A government agency providing health services

6. What does PHI stand for?

- a) Private Health Information
- b) Protected Health Information
- c) Personal Health Information
- d) Public Health Information

7. Which of the following is considered “individually identifiable health information”?

- a) A person’s medical history with no identifying details
- b) A person’s past, present, or future physical or mental health that can identify them
- c) General healthcare statistics for a community
- d) Information about a person’s address

8. How long does HIPAA protect health information after a person’s death?

- a) 10 years
- b) 20 years
- c) 50 years
- d) 100 years

9. Who can access a decedent’s health information during the 50-year protection period?

- a) Only the decedent’s family members
- b) Only government authorities

- c) The decedent's personal representative and others with a legitimate need for the information
- d) Anyone with access to the decedent's medical records

10. Can the HIPAA Privacy Rule allow disclosure of a decedent's PHI to family members?

- a) Yes, but only if the family members were involved in the person's healthcare or payment for care prior to death
- b) No, it never allows disclosure to family members
- c) Yes, but only with the written consent of the decedent
- d) No, PHI is protected indefinitely

Answer Key

- 1. **b**
- 2. **b**
- 3. **b**
- 4. **b**
- 5. **b**
- 6. **b**
- 7. **b**
- 8. **c**
- 9. **c**
- 10. **a**