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## Feds propose rules to strengthen patient privacy rights

July 08, 2010, 4:15 PM EDT

**COMPUTERWORLD** By Lucas Mearian

The U.S. Department of Health and Human Services (HHS) has proposed a new federal healthcare information privacy rule that would let patients restrict access to certain health information information and ban the sale of patient data without consent.

The proposed plan to modify the Health Insurance Portability and Accountability Act (HIPAA) of 1996 was [announced today](#) by [David Blumenthal](#) , head of the Office of the National Coordinator (ONC) for Health Information Technology, and Georgina Verdugo, director of the Office for Civil Rights (OCR).

In addition to boosting patient rights, the proposal would extend certain privacy and security rule requirements to business associates of organizations already covered by HIPAA rules, and establish new limitations on the use of protected health information for marketing and fundraising purposes.

The new rules proposition will enter a 60-day comment period beginning July 14. Information on how to post comments about the proposal will be available at <http://www.idg.com/www/rd.nsf/rd?readform&u=http://www.regulations.gov>.

Verdugo said the new rules would strengthen and expand OCR's ability to enforce HIPAA's Privacy and Security provisions, which is particularly important in light of ongoing efforts to push the [adoption of electronic health records](#) (EHRs).

"This rulemaking will strengthen the privacy and security of health information, and is an integral piece of the administration's efforts to broaden the use of health information technology in health care today," she said in a statement.

Bill Fawns, director of IT services for the County of Kern, Calif. and interim CIO at the [Kern Medical Center](#) in Bakersfield, said current HIPAA rules are adequate and there is no need for additional regulation.

"To be candid, I think there are plenty of rules in place," he said. "In fact, we're constantly meeting with our compliance officer to make sure we're complying with all the regulations. It's hard for me to imagine the sale of patient medical information that isn't de-identified. If it's de-identified, what loss is there to have it out there?"

"And if they're selling patient information that isn't de-identified, then they must have found a loophole in laws that we haven't seen," he added.

The proposed rules would also expand a person's rights to access their information, restrict certain disclosures of protected health information to health plans, and establish new limitations on the use and disclosure of protected health information.

Lucas Mearian covers storage, disaster recovery and business continuity, financial services infrastructure and health care IT for Computerworld. Follow Lucas on Twitter at [@lucasmearian](#) , send e-mail to [lmearian@computerworld.com](mailto:lmearian@computerworld.com) or subscribe to [Lucas's RSS feed](#) .

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