

Health Insurance Portability and Accountability Act, Public Law 104-191 (HIPAA, enacted on August 21, 1996)

The “Health Insurance Portability and Accountability Act of 1996” (**HIPAA**) is a federal law that requires the Department of Health and Human Services (HHS) to establish national standards to address the security and privacy of health data. Its standards are intended to improve the efficiency and effectiveness of the nation’s health care system by encouraging the widespread use of electronic data interchange in health care.

HIPAA sets federal (not state) standards for the security and privacy of “protected health information” (PHI) that is created, received, used or maintained by a “covered entity.” The definition of a covered entity under **HIPAA** does not include pregnancy centers and medical facilities, unless they are transmitting PHI electronically for financial or insurance purposes. Since most centers do not bill electronically, they do not come under **HIPAA**. State law, however, could expand HIPAA laws so that they apply whether you are billing/transmitting electronically or not, so it is important that you check on the **NIFLA** website under the HIPAA tab for research performed on your state’s laws.

NIFLA recommends that as a **best practice**, pregnancy medical clinics voluntarily implement applicable **HIPAA** safeguards. This is because they are practicing medicine and **HIPAA** sets forth the standard of care within the medical industry. We emphasize that while such practices are not mandated by federal law; voluntary compliance is a good best practice to follow. To assist centers in implementing applicable **HIPAA** standards, **NIFLA** has created a **HIPAA** Compliance Policies & Procedures as part of the 2018 **NIFLA** Model Medical Policies & Procedures which can be purchased in the Member’s Only section of the **NIFLA** website: www.membership.nifla.org

The model HIPAA P&Ps include the following policies and procedures:

- Protected Health Information (PHI)
- Patient Permission to Use Images
- Notice of Privacy Practices
- Release of Health Information**
- Patient Request for Copy of Health Records**
- Authorization for Release of Health Information to Third Party**
- Business Associate Policy
- Business Associate Agreements
- Contact by Telephone, Email, Fax or Text
- Text Messaging
- Breach Assessment and Notification
- HIPAA Training
- HIPAA Training Verification Form
- Records Release Log**
- HIPAA Training Log**
- HIPAA Security Risk Management**
- HIPAA Privacy & Security Risk Assessment Tool**