



OCR Update

National Committee on Vital and Health Statistics

November 19, 2015

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HHS Office for Civil Rights (OCR)

OCR invites Developers to ask questions about HIPAA

- OCR has launched a platform for mobile health developers; purpose is to understand concerns of developers new to health care industry and HIPAA standards
 - Users can submit questions, comment on other submissions, vote on relevancy of topic.
 - Will consider comments as we develop our priorities for additional guidance and technical assistance
- <http://hipaaQsportal.hhs.gov>

<http://HIPAAQsportal.hhs.gov>

Health app developers: Q x

hipaaqsportal.hhs.gov

Apps For quick access, place your bookmarks here on the bookmarks bar. [Import bookmarks now...](#)

ideascale communities

Rachel Seeger

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE FOR CIVIL RIGHTS

Health app developers, what are your questions about HIPAA?

Welcome Learn More Questions Helpful Links Contact

HIPAA Health Information Privacy, Security and Breach Notification Rules

About HIPAA

Engage with OCR on issues & concerns related to protecting health information privacy in mHealth design and development


Submit & View Questions

Learn More

Popular Questions


Popular Questions

Popular Questions




Are we a covered ...
by Community Member
How can we determine if we're a covered entity? The resources to make that determination are expensive – i.e. law firms

5 votes **1** comments




Can HIPAA address...
by Community Member
Developers need better guidance around patient generated health data, since HIPAA focusses on one-way data sharing from a provider/other covered en...

4 votes **1** comments



Help with busines...
by Community Member
There is a lack of transparency around the content of Business Associate Agreements (BAAs), a lack of sample BAA language around the topics develop...


3 votes **0** comments



What part of the ...
by Community Member
Does the entire environment need to be HIPAA compliant, or is it possible that the solution could fall into an exception to HIPAA, or can they use ...


3 votes **0** comments

New Questions




Teaching Hospital...
by Community Member
I work for a University medical school that employs physicians as faculty and who teach at the hospital. I would like to know more about how far t...

2 votes **0** comments




Are we a covered ...
by Community Member
How can we determine if we're a covered entity? The resources to make that determination are expensive – i.e. law firms

5 votes **1** comments



Cloud computing
by Community Member
Developers need better guidance around cloud storage/computing and the Security Rule. Client-server architecture is no longer relevant in many cas...

2 votes **0** comments



What part of the ...
by Community Member
Does the entire environment need to be HIPAA compliant, or is it possible that the solution could fall into an exception to HIPAA, or can they use ...

3 votes **0** comments

Developers question, OCR answers



1 OF 7 NEXT QUESTION ▶

DEVELOPERS AND HIPAA

Are we a covered entity?

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How can we determine if we're a covered entity? The resources to make that determination are expensive – i.e. law firms

covered-entity

Submitted by **Community Member** 2 months ago

Who are your customers? Check all that apply: General Public
What is your organization?: Government

5
votes

+5 -0
QUESTIONS


Question No. 7

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Question Details **Comments [1]**

Sort by Date ▼



 **Community Member** 21 days ago **Pinned Moderator** **Idea Submitter**

From OCR: Only health plans, health care clearinghouses and most health care providers are covered entities under HIPAA. You can learn more about what types of organizations fit into these categories <http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/index.html>.

You can follow the steps of this chart <https://www.cms.gov/Regulations-and-Guidance/HIPAA-Administrative-Simplification/HIPAAGenInfo/AreYouaCoveredEntity.html> to figure out your own status.

However, even if you are not a covered entity, you may be a business associate required to comply with certain provisions of the HIPAA Rules. In general, a business associate is a person [or entity] who creates, receives, maintains or transmits protected health information (PHI) on behalf of a covered entity or another business associate. PHI is defined in the HIPAA regulations, and, in general, is identifiable health information. So, most vendors or contractors (including subcontractors) that provide services to or perform functions for covered entities that involve access to PHI are business associates. For example, a company that is given access to PHI by a covered entity to provide and manage a personal health record or patient portal offered by the covered entity to its patients or enrollees is a business associate.

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ALL STAGES
7 QUESTIONS

QUESTIONS
7 QUESTIONS

Usage statistics [-]

7 Questions Posted
2 Comments 23 Votes
175 Users


Campaigns
Developers and HIPAA

What we're discussing [-]

cloud-computing audit-logging api
exceptions business-associate
patient covered-entity
business-associate-agreements
pghd

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Helpful Direct Links to Resources

The image shows a screenshot of a web page with a dark blue header. On the left is the logo for the U.S. Department of Health and Human Services Office for Civil Rights. The main title is "Health app developers: Questions about HIPAA?". Below the title is a navigation menu with links for WELCOME, LEARN MORE, QUESTIONS, HELPFUL LINKS, and CONTACT. A large purple banner labeled "Helpful Links" contains several buttons: "What is HIPAA?", "Who are covered entities?", "What is the Privacy Rule?", "Privacy Rule Basics", "What is the Security Rule?", "Who are business associates?", "FAQs about business associates", "Sample business associate agreement", and "What is OCR?". To the right is a sidebar with a grey header "HIT & Privacy Protections" containing a search box and a yellow "Submit Questions" button. Below this are two blue buttons: "ALL STAGES 7 QUESTIONS" and "QUESTIONS 7 QUESTIONS". Further down, the sidebar shows "Usage statistics" with a collapse icon, "7 Questions Posted", "2 Comments", "23 Votes", and "175 Users". Below that is a "Campaigns" section for "Developers and HIPAA". At the bottom is a "What we're discussing" section with a collapse icon and a list of tags: cloud-computing, audit-logging, api, exceptions, business-associate, patient, covered-entity, business-associate-agreements, and pghd.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE FOR CIVIL RIGHTS

Health app developers: Questions about HIPAA?

WELCOME LEARN MORE QUESTIONS **HELPFUL LINKS** CONTACT

Helpful Links

- What is HIPAA?
- Who are covered entities?
- What is the Privacy Rule?
- Privacy Rule Basics
- What is the Security Rule?
- Who are business associates?
- FAQs about business associates
- Sample business associate agreement
- What is OCR?

HIT & Privacy Protections

Search Questions

Submit Questions

ALL STAGES
7 QUESTIONS

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Campaigns
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What we're discussing [-]

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business-associate-agreements
pghd

What's to Come

- Final NICS Rule: The rule is now at OMB.
- Access Guidance and FAQs
- More guidance, including cloud computing

Questions?

<http://www.hhs.gov/ocr/privacy/>