**HIPAA Privacy & Security**

**Week 1 Readings and Activities**

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<th>Objectives</th>
<th>Requirements</th>
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<td>Upon completion of this module, students will be able to:</td>
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<td>1. Explain why we need rules to govern the privacy and security of health information.</td>
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<td>2. Recall the structure and historical foundations of HIPAA's existing regulatory structure.</td>
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<td>3. Explain the motivations for enacting HIPAA and use them to evaluate legal choices made in crafting HIPAA's regulations.</td>
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<td>4. Define a “covered entity” and a “business associate” and distinguish between them.</td>
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<td>5. Define and illustrate who is a “health care provider,” “health plan,” and “health care clearinghouse.”</td>
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<td>6. Define and illustrate “health information” and “electronic media.”</td>
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<td>7. Decide whether a given organization or health care provider qualifies as a covered entity, health care provider, health plan or health clearinghouse.</td>
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Readings:

1. Skim the table of contents of the HIPAA Administrative Simplification Regulation Text (Introductory Reading)
2. 64 Fed. Reg. at 59919-20
3. 65 Fed. Reg. at 82464
4. HIPAA Administrative Simplification Regulation Text (Introductory Reading): 45 C.F.R. §§160.102(a); 164.104(a); 164.302; 164.500(a)
5. HIPAA Administrative Simplification Regulation Text (Introductory Reading): 45 C.F.R. §§160.103 (definitions of “covered entity,” “healthcare provider,” “health plan,” “healthcare clearinghouse,” “health care,” “business associate,” and “group health plan”)
6. 42 U.S.C. §1395x(u) (definition of “service provider”) and §1395x(s) (definition of “medical or other health services”)
7. OCR Summary of the Privacy Rule (Introductory Reading): pp. 1-3 (including the “Introduction,” “Statutory and regulatory Background,” “Who is Covered by the Privacy Rule,” and the “Definition of a Business Associate”)

Video Presentation:
1. View the video presentation by Monday of this week.

Activities:
Activity # 1: Tutorial Questions
Activity # 2: Discussion Questions
Tutorial Questions for Week 1

The Tutorial Questions are designed to ensure that you have an accurate understanding of the key points in the readings. Answers to these questions can be any length. Your goal should be to accurately state the relevant points of law as concisely as possible. Your professor will provide feedback and guidance on your responses, which may include a request to revise or expand on some of your answers. **Answers are due by 11:59PM on Tuesday.**

**TQ 1.1:** Is a manufacturer of a customized hearing aid a covered entity under HIPAA?

**TQ 1.2:** Is an Internet provider a health care clearinghouse because the health information passes through the system?

**TQ 1.3:** Is an in-house attorney who works in the legal department of Mount Sinai Hospital a business associate?
Discussion Questions for Week 1

A "threaded discussion" is a discussion forum that allows students to respond to questions posted by the professor (original responses), which can then be read by other users who add their own comments in response (secondary postings). Unlike chat rooms and other "real-time" interaction forums, threaded discussions do not require different users to be logged on at the same time.

Discussion questions are assigned each week. **Original responses to these questions must be posted by Wednesday at 11:59PM.** Original responses must be at least **250 words** and must incorporate concepts from the lectures and assigned readings.

**Secondary Responses/Postings:** Each student must post **two or more** secondary responses to other students’ postings **for each discussion question.** Secondary responses are due by **11:59PM on the Monday following the week in which the questions were assigned.** They must be a minimum of **150 words** and, like original responses, should incorporate concepts from the lectures and assigned readings. Students are encouraged to embark on interactive discussions that go beyond the minimum number of secondary postings.

**Although the discussion board is expected to be student-driven, professors will be participating in the discussions as well.**

**DQ 1.1:** Workers’ compensation insurance and disability plans are not considered “health plans” under HIPAA, and, therefore, do not qualify as covered entities, despite the fact that they use sensitive health information. In what ways are they different from covered health insurance plans? Do these differences justify their differential treatment? In your answer, consider the goals of HIPAA. You may also want to conduct a quick Internet search to inform your views on this topic.

**DQ 1.2:** The procurement or banking of blood, sperm, organs, or any other tissue for administration to patients is not considered “health care” under HIPAA. The reason was that people who make these donations are not seeking to be treated, diagnosed, or assessed or otherwise seeking health care for themselves, but are seeking to contribute to the health care of others. Should these activities be considered health care and therefore covered under HIPAA? What do they have in common with activities that are covered under HIPAA? What differences might justify their differential treatment? In your answer, consider the goals of HIPAA. You may also want to conduct a quick Internet search to inform your views on this topic.