

HITECH TIMELINE

REGULATIONS, GUIDANCE, REPORTS AND STUDIES			
Description	Date(s)	Purpose	Responsible Agency
For breach notification purposes, issue guidance specifying the technologies and methodologies that render protected health information unusable, unreadable, or indecipherable to unauthorized individuals.	April 17, 2009; annual updates	Required guidance under Pub. Law 111-5 (Feb. 17, 2009) Section 13402 [42 U.S.C. Section 17932]	Office National Coordinator (ONC) in collaboration with OCR and CMS
Issue interim final regulations to implement breach notification for HIPAA covered entities and business associates.	Aug. 17, 2009	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13402 [42 U.S.C. Section 17932]	OCR and FTC
Issue regulations to modify the HIPAA Enforcement Rule to implement revised penalty structure.	Feb. 17, 2010	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13410 [42 U.S.C. Section 17939]	OCR in collaboration with CMS
Issue regulations to extend certain HIPAA Security Rule provisions to business associates.	Feb. 17, 2010	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13401 [42 U.S.C. Section 17931]	CMS
Issue guidance on technical safeguards to carry security.	Feb. 17, 2010; annual updates	Required guidance under Pub. Law 111-5 (Feb. 17, 2009) Section 13401 [42 U.S.C. Section 17931]	CMS in collaboration with ONC
Report to Congress on breaches for which notice was provided to the Secretary.	Feb. 17, 2010 and annually thereafter	Issue report to Congress under Pub. Law 111-5 (Feb. 17, 2009) Section 13402 [42 U.S.C. Section 17932]	OCR
Issue regulations to extend certain HIPAA Privacy Rule provisions to business associates.	Feb. 17, 2010	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13404 [42 U.S.C. Section 17934]	OCR
Issue regulations to modify the HIPAA Privacy Rule's provisions regarding right to request restrictions, minimum necessary, access.	Feb. 17, 2010	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13405 [42 U.S.C. Section 17935]	OCR
Issue regulations to modify the HIPAA Privacy Rule's provisions regarding marketing and fundraising.	Feb. 17, 2010	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13406 [42 U.S.C. Section 17936]	OCR

REGULATIONS, GUIDANCE, REPORTS AND STUDIES (CONT.)			
Description	Date(s)	Purpose	Responsible Agency
Issue regulations to clarify that certain entities are HIPAA business associates.	Feb. 17, 2010	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13408 [42 U.S.C. Section 17938]	OCR
Report to Congress on Compliance HIPAA Privacy and Security.	Feb. 17, 2010 and annually thereafter	Issue report to Congress under Pub. Law 111-5 (Feb. 17, 2009) Section 13424 [42 U.S.C. Section 17954]	OCR and CMS
Study and report to Congress on privacy and security requirements for entities that are not HIPAA covered entities or business associates.	Feb. 17, 2010	Issue report to Congress under Pub. Law 111-5 (Feb. 17, 2009) Section 13424 [42 U.S.C. Section 17954]	ONC in collaboration with OCR, CMS and FTC
Issue guidance on the HIPAA Privacy Rule's requirements for de-identification.	Feb. 17, 2010	Issue guidance as required under Pub. Law 111-5 (Feb. 17, 2009) Section 13424 [42 U.S.C. Section 17954]	OCR in collaboration with ONC
Study the HIPAA Privacy Rule's definition of "psychotherapy notes" with regard to including certain test data and mental health evaluations.	Feb. 17, 2010	Conduct study as required under Pub. Law 111-5 (Feb. 17, 2009) Section 13424 [42 U.S.C. Section 17954]	OCR in collaboration with SAMHSA
Issue regulations to modify the HIPAA Privacy Rule's accounting of disclosures provisions.	June 17, 2010	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13405 [42 U.S.C. Section 17935]	OCR
Issue guidance on what constitutes "minimum necessary" for purposes of the HIPAA Privacy Rule.	Aug. 17, 2010	Issue guidance as required under Pub. Law 111-5 (Feb. 17, 2009) Section 13405 [42 U.S.C. Section 17935]	OCR
Issue regulations to modify the HIPAA Enforcement Rule to implement willful neglect provisions.	Aug. 17, 2010	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13410 [42 U.S.C. Section 17939]	OCR in collaboration with CMS
Issue regulations to modify the HIPAA Privacy Rule to generally prohibit exchanging health information for remuneration without individual authorization.	Aug. 17, 2010	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13405 [42 U.S.C. Section 17935]	OCR
Issue regulations to modify the HIPAA Enforcement Rule to implement provisions for sharing civil money penalties or settlements with harmed individuals.	Feb. 17, 2012	Issue regulation under Pub. Law 111-5 (Feb. 17, 2009) Section 13410 [42 U.S.C. Section 17939]	OCR in collaboration with CMS