



DAVISBROWN[®]

LAW FIRM



HIPAA COMPLIANCE
EXTENDED TO
BUSINESS
ASSOCIATES

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HIPAA COMPLIANCE EXTENDED TO BUSINESS ASSOCIATES

SUSAN J. FREED

Starting on February 17, 2010, individuals and entities that provide services to health care providers, health plans and health care clearinghouses and access health information to perform these services will need to comply with the HIPAA privacy and security regulations. These contractors are typically referred to as “business associates.” Examples of “business associates” include information technology providers, consultants, collection agencies, attorneys, and accountants.

Currently, HIPAA only requires that the health care provider, health plan or health care clearinghouse enter into agreements with their business associates contractually obligating them to comply with the privacy regulations. Beginning February 17, 2010, business associates will be legally obligated to comply with not only the HIPAA privacy regulations but also the security regulations. A business associate who fails to comply with the HIPAA regulations faces civil and criminal penalties enforced by the Federal government or the State Attorney General’s office.

While many business associates are likely aware of the HIPAA privacy regulations and have agreements in place contractually obligating them to comply with the regulations, business associates will want to review their compliance with these privacy requirements as government enforcement actions can now be directed at them. Additionally, business associates will now need to implement the HIPAA security regulations which will require them to implement a variety of physical, technical and administrative measures to safeguard electronic health information. Examples of some of these measures include risk assessments, access controls, contingency planning, security training, and device and media controls.

Davis Brown has a variety of resources available for business associates to assist them with their compliance efforts including a summary of the provisions, checklists, and forms. Please contact Susan Freed at (515) 246-7891 or susanfreed@davisbrownlaw.com if you’d like a copy of these materials or if you have any questions about the extension of the HIPAA privacy and security regulations to business associates.

ATTORNEY BIO

SUSAN J. FREED

CONCENTRATION

Susan is a shareholder at the Davis Brown Law Firm where she has a general practice in, but not limited to, the areas of Health Law and Employee Benefits.

SUMMARY

Susan represents a wide variety of health care providers, including county hospitals and facilities, with respect to transactional, reimbursement, and regulatory issues. She drafts contracts, employment agreements, physician recruitment agreements, corporate documents and corporate policies. In addition, she counsels clients on various health law issues including fraud and abuse, Medicare and Medicaid reimbursement, EMTALA, medical staff relations, and confidentiality laws.

She also advises employers on employee welfare benefit issues including ERISA, COBRA and HIPAA, and assists individuals in appealing health and disability benefit denials. She has assisted several employer-sponsored health plans with their HIPAA privacy compliance efforts, including a large self-funded multiple employer welfare benefit plan. She has also successfully appealed insurance company denials of health benefits, including those based on a lack of medical necessity.

Susan counsels employers on affirmative action requirements and drafts affirmative action plans for employers.

MEMBERSHIPS

She is a current member of the Broadlawns Medical Center Foundation's Board of Directors. Susan is a graduate of the Greater Des Moines Leadership Institute (2002-2003).

PUBLICATIONS, SPEECHES, AND SEMINARS

Susan is a frequent presenter on health law and employee benefit issues including, wellness programs, the Iowa Smoke Free Air Act, and employee benefit issues.

She has co-authored the Employee Benefits Section of the Iowa Bar Association's Business Law Manual and wrote the Employee Benefit Section for the Iowa Human Resources Manual for the Iowa Association of Business and Industry. She taught a Health Law course at the Drake University Law School for four years.

ACADEMICS

Susan earned her law degree with a certificate in health law from DePaul University College of Law in Chicago, Illinois.



BORN

PAULINA, IOWA, 1973

EDUCATION

UNIVERSITY OF IOWA (B.S., 1996);
DEPAUL UNIVERSITY (J.D., 1999)

ADMITTED TO BAR

1999, IOWA
2000, ILLINOIS

AREAS OF LAW

- BUSINESS ORGANIZATIONS AND TRANSACTIONS
- EMPLOYEE BENEFITS
- HEALTH LAW
- REAL ESTATE

MEMBERSHIPS

- AMERICAN BAR ASSOCIATION
- AMERICAN HEALTH LAWYERS ASSOCIATION
- IOWA STATE BAR ASSOCIATION
- POLK COUNTY BAR ASSOCIATION

PRACTICE AREA

HEALTH LAW

The Davis Brown Law Firm represents clients in matters of general health care and hospital law, as well as in all matters connected with the operation and development of health care organizations, including litigation. Issues specific to health care organizations include legislative and regulatory issues, patient/resident issues, staff issues, certificates of need, third party payments, alternative health care delivery systems, licensing and accreditation, institutional review, policy and procedure development and implementation, physician contracts and compensation, and Medicare and Medicaid compliance.

The Firm also counsels clients on matters of medical ethics, such as withholding or withdrawing medical treatment. The Firm advises health care clients on a range of organizational issues incidental to health care delivery, including labor and employment law, compensation and benefits, mergers and acquisitions, joint ventures, antitrust, intellectual property, financing and taxation.

Davis, Brown, Koehn, Shors & Roberts, P.C. is general counsel to the Iowa Health Care Association, the state-wide association of long-term care facilities. The Firm represents a major medical center, regional and county hospitals, home health care agencies, life care facilities, nursing homes, physicians and other health care organizations.



ATTORNEYS WORKING IN THIS AREA

BOES, JUDITH "LYNN" R.

FREED, SUSAN J.

HOLZ, ROBERT F.

SHORS, JOHN D.

WATKINS, KENDALL R.

WHITNEY, JO ELLEN