

Health Information Compliance Alert

Industry Note: Senate Bill Aims to Fix 'Gaps' in HIPAA Compliance

If your organization wants tighter controls on healthcare apps and wearables, the feds have got your back.

Details: There's no denying that health IT has significantly changed healthcare and made caring for patients more efficient. However, some believe that HIPAA, which was first introduced in 1996, has not kept pace with the rapid output of new technologies, despite the many updates the Rules have received over the years. Now, the **U.S. Senate** wants to do something about that.

Minnesota Senator **Amy Klobuchar** introduced a new bill over the summer to better regulate health IT products like fitness trackers and wearables, mobile applications, and more that harness patients' personal information for marketing and other purposes. The bill suggests that individuals' data may be used in ways they didn't realize and promoted on social media without consent by organizations that aren't covered by HIPAA.

Reminder: As the law works its way to the floor of the Senate, it's important to remember that the states and other federal laws protect consumers' privacy, too.

"Just because your health company does not fit squarely within the HIPAA regime, you aren't excluded from being regulated. Keep in mind applicable state laws like a state's Consumer Fraud Act," advises attorney **Ciera Logan**, with **Fox Rothschild LLP** in the law firm's HIPAA and Health Information Technology Blog. "Consider obligations to federal regulators like the FTC regarding deceptive consumer practices and FDA's oversight over medical devices, for example."

Health Information Compliance Alert will continue to monitor movement on this bill and any changes in the HIPAA rules.

Review the bill at: www.congress.gov/bill/116th-congress/senate-bill/1842/text/.