

Health Information Compliance Alert

Reader Question: HIPAA Still Applies to Outsourced CSPs

Question: Our company uses a small cloud services provider (CSP) based in Canada. Does HIPAA still apply to our business arrangement?

Florida Subscriber

Answer: Yes, and all of the rules about electronic protected health information (ePHI), including the need for business associate agreements (BAAs), still apply.

"Be aware that **HHS Office for Civil Rights** (OCR) warns of increased risk to ePHI processed or stored outside of the U.S., especially if the server is in a country where cybersecurity risk is high," says **Grant Elliott**, CEO of Ostendio and co-founder and President of the **Health Care Cloud Coalition** (HC3).

"More cloud service providers are touching ePHI every day. While the OCR provides sample business associate contract provisions as they relate to the HIPAA Privacy, Security, Breach Notification and Enforcement Rules, it doesn't state specifically how the contracted parties can be sure that the provisions are followed," Elliot says.