



HHS's Office for Civil Rights Publishes Notice of Proposed Rulemaking Modifying Accounting of Disclosures under HIPAA and HITECH

The Office for Civil Rights, Department of Health and Human Services issued a notice of proposed rulemaking today modifying the HIPAA Privacy Rule's standard for accounting of disclosures of protected health information. The Department proposes to expand the accounting provision to provide individuals with the right to receive an access report indicating who has accessed electronic protected health information in a designated record set. The Department also proposes changes to the existing accounting requirements to improve their workability and effectiveness.

The notice of proposed rulemaking, which is scheduled for publication in the May 31, 2011 Federal Register, may currently be found at the following web address: http://ofr.gov/OFRUpload/OFRData/2011-13297_PI.pdf. Comments must be submitted by 60 days after the date of publication in the Federal Register.

CMS Publishes Proposed Rule Changing the Electronic Prescribing (eRx) Incentive Program

The Centers for Medicare & Medicaid Services (CMS) issued a proposed rule today modifying the 2011 electronic prescribing quality measure. The proposed rule provides additional significant hardship exemption categories for eligible professionals and group practices to request an exemption during 2011 for the 2012 eRx payment adjustment due to a significant hardship. The proposed rule also extends the deadline for submitting requests for consideration for the two significant hardship exemption categories for the 2012 eRx payment adjustment that were finalized in the CY 2011 Medicare Physician Fee Schedule final rule with comment period.

The proposed rule, which is scheduled for publication in the June 1, 2011 Federal Register, may currently be found at the following web address: http://ofr.gov/OFRUpload/OFRData/2011-13463_PI.pdf. Comments must be submitted by 60 days after the date of publication in the Federal Register.

ONC Publishes Proposed Rule Regarding Permanent Certification Program for HIT and Revisions to ONC-Approved Accreditor Processes

The Office of National Coordinator issued a proposed rule today proposing a process for addressing instances where the ONC-Approved Accreditor (ONC-AA) engages in improper conduct or does not perform its responsibilities under the permanent certification program. The proposed rule also proposes to address the status of ONC-Authorized Certification Bodies in instances where there may be a

change in the accreditation organization serving as the ONC-AA and clarifies the responsibilities of the new ONC-AA.

The proposed rule, which is scheduled for publication in the May 31, 2011 Federal Register, may currently be found at the following web address: http://ofr.gov/OFRUpload/OFRData/2011-13372_PI.pdf. Comments must be submitted by 60 days after the date of publication in the Federal Register.