

CONTACT:

Deborah C. Peel, MD

Patient Privacy Rights

(512) 732-0033

[dpeelmd@patientprivacyrights.org](mailto:dpeelmd@patientprivacyrights.org)

[www.patientprivacyrights.org](http://www.patientprivacyrights.org)

## HHS WITHDRAWS FLAWED BREACH NOTICE RULE

### A WIN FOR HEALTH PRIVACY ADVOCATES!

**Patient Privacy Rights congratulates HHS for acknowledging the flawed rule and the need for stronger patient protections. You can see HHS' update at <http://www.hhs.gov/ocr/privacy/hipaa/administrative/breachnotificationrule/finalruleupdate.html>.**

This Wednesday the Department of Health and Human Services withdrew the proposed final rule on breach notification. *This is a huge step in the right direction.* Congress, the Coalition for Patient Privacy, and patients everywhere spoke out against the blatant disregard for patients' rights to be notified of all breaches. The the key section we opposed is called the "harm standard."

The "harm standard" would allow businesses entities that suffer a breach of data security to decide whether patients are likely to be harmed by the breach. Put simply, the proposed final rule granted the power to decide whether to report breaches or not to the businesses that failed to protect sensitive health data, and would not want to disclose breaches. Talk about letting the fox guard the hen house.

The Coalition for Patient Privacy wrote a letter [[http://patientprivacyrights.org/media/HHS\\_CommentsIFRBreach\\_Final.pdf](http://patientprivacyrights.org/media/HHS_CommentsIFRBreach_Final.pdf)] to HHS protesting the "harm standard." While drafting the American Recovery and Reinvestment Act, which included a new rule on breach notice, **Congress specifically considered and rejected the "harm standard."** Congressional leaders wrote HHS in protest of the IFR [[http://patientprivacyrights.org/media/E\\_Csebelius\\_letter.pdf](http://patientprivacyrights.org/media/E_Csebelius_letter.pdf)] after the "harm standard" appeared and asked HHS to "revise or revoke."

#### **About Patient Privacy Rights:**

Patient Privacy Rights is the nation's leading health privacy watchdog. Our mission is to ensure the right to control your medical privacy to protect jobs and opportunities. Patient Privacy Rights has over 10,000 members in all 50 states. We lead the trans-partisan Coalition for Patient Privacy representing over 10 million Americans.

###