

NATIONAL HEALTH INFORMATION TECHNOLOGY
AUDIOCONFERENCE

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**Legal Barriers to the Adoption of Health
Information Technology**

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Health Information Privacy & Security

- ❖ Lack of consumer control as a barrier
 - HIPAA permits providers to disclose health information for treatment, public health, and (with limitations) research
 - No consumer right to opt out
 - HIPAA permits individuals to request restrictions, but not to demand them
- ❖ Will consumers require greater control?

Health Information Privacy & Security

- ❖ Lack of a simple, uniform privacy standard as a barrier
 - Participants covered by different rules
 - Providers and health plans
 - Government agencies
 - Researchers
 - State laws may survive HIPAA
- ❖ Should there be a uniform privacy rule?

Health Information Privacy & Security

- ❖ Inadequate policing as a barrier
 - Integrating organization is typically the business associate of participating providers
 - Regulated by contract
 - No oversight obligation
 - Bargaining positions unequal
- ❖ Should there be a uniform privacy rule?

Health Information Privacy & Security

- ❖ Lack of security as a barrier
 - ❖ Only covered entities regulated by HIPAA
 - ❖ HIPAA security rule non-prescriptive
- ❖ Is a stronger security rule needed?