



Belongly



HIPAA 2023

Policy Change

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Get Ready for HIPAA's New Groove: Therapists' Guide to Potential Policy Changes in 2023

The Health Insurance Portability and Accountability Act (HIPAA) continues to evolve to enhance healthcare systems, ensuring patient protection, technological advancements, and enforced security standards.

1. Patient Access to PHI and EHRs

Terms to Know:

Protected Health Information (PHI)

PHI plays a crucial role in HIPAA, safeguarding sensitive personal information collected by healthcare entities. It includes addresses, phone numbers, social security numbers, and account details.

Electronic Health Records (EHRs)

EHRs contain patients' medical history, lab results, and health conditions. Access to this information is essential for prescriptions, insurance, and accommodations.

HIPAA's Privacy Rule Refinements

HIPAA is aiming to improve patient access to PHI and EHRs.

The refinements include:

- Individual rights to inspect, take notes, and photograph their PHI and EHR.
- Patients can direct their information to a third-party business, subject to a reasonable fee.
- Healthcare providers must respond promptly to access requests, with a maximum response time of 15 days.
- Unreasonable procedures for PHI access, such as notarization and in-person-only requests, are prohibited.

2. Billing Record Inclusion

- Billing information and past payments are now included in patients' records, ensuring consistency between paper and digital PHI and EHRs.
- Healthcare providers must provide medical information electronically upon request.
- Failure to include billing information may be considered information blocking.

3. Violation Penalties

HIPAA violation penalties are adjusted to account for inflation. There are four tiers of penalties:

Tier One

Unintentional Violations

Current penalties: from **\$100** to **\$50,000** per violation and an annual maximum of **\$25,000**.

Expected changes: increase by a minimum of **\$120** and a maximum of around **\$63,900**.

Tier Two

Violations With Reasonable Cause

Current penalties: from **\$1,000** to **\$50,000** per violation and an annual maximum of **\$100,000**. Expected changes: predicted minimum penalties are **\$1,280**.

Tier Three

Willful Violations That Are Corrected Within 30 Days

Current penalties: from **\$10,000** to **\$50,000**

Expected changes: range from **\$12,700** to **\$63,900**.

Tier Four

The Most Severe Violations

Current penalties: a fixed penalty of **\$50,000**.

Expected changes: may increase to a range of around **\$63,000** to **\$1.9 million** later in the year.

Violation Compensation

Violation policies may include compensation for individuals affected by PHI and EHR breaches. A portion of the fines imposed on non-compliant entities will be allocated to victims, incentivizing higher minimum penalty fees.

Averting Health and Safety Risks

HIPAA prevents the disclosure of substance use addiction (SUD) and mental health information without permission. In cases where harm is foreseeable, covered entities will potentially be able to distribute PHI without prior consent.

Phasing Out COVID Policies

Telehealth policies implemented during the COVID-19 pandemic are being adjusted.

Permanent changes include:

- Allowing all forms of remote communication
- Audio-only services permissible with appropriate safety standards.

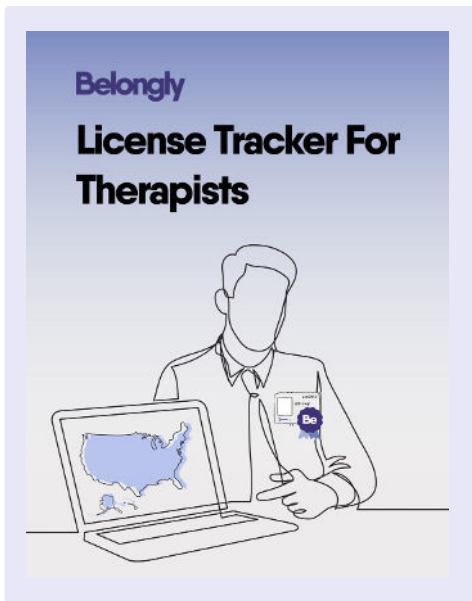
Some standards are being phased out or adapted, such as:

- In-person visits for mental health services
- Changes to Medicare coverage and reimbursement for telehealth.

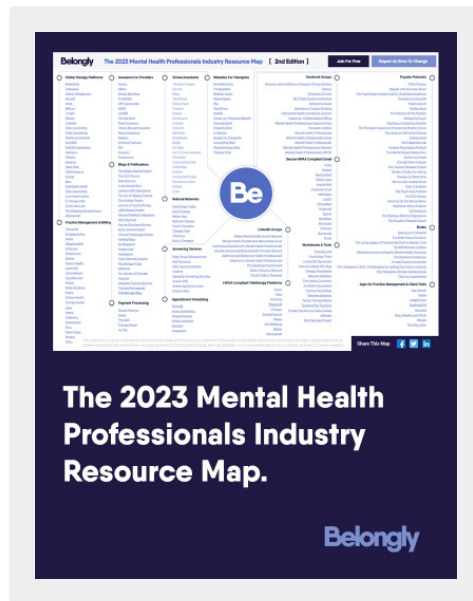


More Mental health professional resources worth engaging with, and sharing.

Our resources have helped mental health professionals gain exposure and immerse themselves in the world of running their businesses, serving their clients and becoming better professionals.



The Belongly License Tracker For Therapists



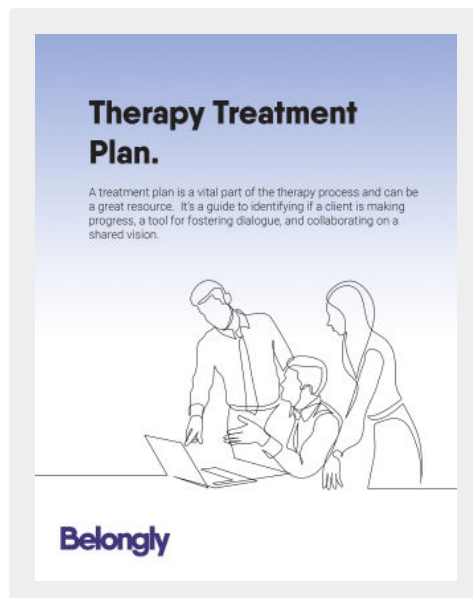
The 2023 Mental Health Professionals Industry Resource Map



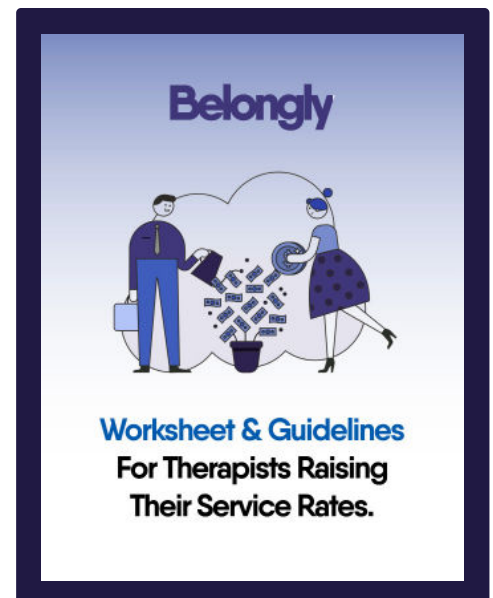
The Belongly HIPAA Compliance Checklist



The Belongly Checklist for Therapists Starting a Private Practice



The Treatment Plan Template



The Belongly Guide To Raising Your Rates



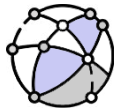
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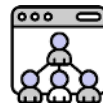
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