

HIPAA vs. FIPA

Presented by:



www.TheHealthLawFirm.com

HIPAA vs. FIPA; The Health Insurance Portability and Accountability Act and the Florida Information Protection Act

Presented by:



www.TheHealthLawFirm.com

© Copyright 2017. George F. Indest III. All rights reserved.



George F. Indest III, J.D., M.P.A., LL.M.

**Board Certified by the Florida Bar in the Legal
Specialty of Health Law**

Website: www.TheHealthLawFirm.com



Main Office:


1101 Douglas Avenue
Altamonte Springs, Florida 32714

Phone: (407) 331-6620


Fax: (407) 331-3030

Website: www.TheHealthLawFirm.com

Florida Information Protection Act of 2014 or FIPA

- Effective July 1, 2014
 - Law requires specified entities to:
 - Take reasonable measures to protect and secure personal information in electronic form
 - Notify DLA of certain data security breaches
 - Provide notice to effected individuals
 - Properly dispose of consumer records
- 

FIPA Overview

- FIPA protects consumers by requiring certain entities to take reasonable measures to protect and secure data in electronic format that contains personal information
- 


Who Must Adhere to FIPA

- Businesses and government agencies that acquire, maintain, store or use the personal information of a consumer
 - Term personal information is broader


FIPA Breach v. HIPAA Breach

- HIPAA breach definition is more specific than FIPA definition
- 


Responding to an Audit

- FIPA – Data Security
 - Covered entities, government entities, third-party agents shall take reasonable measures to protect and secure data in electronic form containing personal information
- 


FIPA V. HIPAA Requirements

- HIPAA – Data Security
 - Covered entities and business associates must ensure confidentiality, integrity and availability all EPHI created, received, maintained or transmitted
 - Protect against reasonably anticipated threats, uses and disclosures
 - Ensure compliance
- 


FIPA V. HIPAA Requirements

- FIPA – If personal information was accessed as a result of breach:
 - Notice must be provided to consumers within 30 days unless good cause is shown for a 15-day delay
 - Notice must be provided to the DLA for a breach affecting 500 or more individuals
 - Defines what information must be included in a proper notice
 - Expands the data breach statute to include state governmental entities and their instrumentalities
- 


FIPA V. HIPAA Requirements

- HIPAA – Notice to individual
 - Shall notify each individual whose unsecured PHI has or is believed to have been accessed, acquired, used or disclosed as a result of a breach
 - Notice is to be provided no later than 60 days after the breach
- 


Risk of Harm and Notice

- FIPA and HIPAA use different risk of harm methodologies for determining whether a breach requires notices to the individual
 - FIPA focuses on a risk assessment related to the harm of the individual, whereas HIPAA focuses its risk assessment on whether or not PHI has been compromised
- 

FIPA Consequences

- Civil penalties could be imposed in the amount of \$1,000 per day for the first 30 days
 - \$50,000 for each subsequent 30-day period
- 

FIPA Compliance Recommendations

- HIPAA-covered entities need to update breach policies and procedures
 - Entities that have PHI but are not HIPAA-covered entities will now have security compliance standards to follow
- 



Main Office:

1101 Douglas Avenue
Altamonte Springs, FL 32714

Phone: (407) 331-6620

Fax: (407) 331-3030

Website: www.TheHealthLawFirm.com



Orlando Office (By Appointment):

37 North Orange Avenue, Suite 500
Orlando, Florida 32801

Phone: (407) 331-6620

Fax: (407) 331-3030

Website: www.TheHealthLawFirm.com



Pensacola Office (By Appointment):

201 East Government Street
Pensacola, Florida 32502

Phone: (850) 439-1001

Fax: (407) 331-3030

Website: www.TheHealthLawFirm.com



Denver, Colorado Office (By Appointment):

155 East Boardwalk Drive, Suite 424
Fort Collins, Colorado 80525

Phone: (970) 416-7454

Fax: (866) 203-1464

Website: www.TheHealthLawFirm.com



SM The Health Law Firm is a registered service mark of The Health Law Firm, P.A., Altamonte Springs, Fla.

**© Copyright 2017. George F. Indest III. All rights reserved.
(No rights claimed for any property or images of others.)**

