



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Touching Lives Every Day"

COMPLIANCE ALERT 13-6

HITECH Act Requires Data Breach Notification to Secretary of Health and Human Services: March 1 Deadline for Annual Report of Breaches that involve Less than 500 patients

The HITECH/HIPAA final rule confirms that covered entities must provide the Secretary of Health and Human Services with notice of breaches of unsecured protected health information (45 CFR 164.408). There is one notification method for breaches over 500 individuals and one notification method for breaches under 500 individuals.

- Notification of breaches over 500 individuals requires immediate notification to the Secretary.
- Notification of breaches under 500 individuals require the covered entity to maintain a log or other documentation of such breaches and submit information no later than 90 days after the end of the year it was discovered to the Secretary of Health and Human Services for breaches occurring during the preceding calendar year.

The submission of this information for breaches affecting less than 500 patients is required 90 days after the end of the calendar year—March 1.

Facilities can find instructions and the electronic submission form for notification at the following address:

<http://www.hhs.gov/ocr/privacy/hipaa/administrative/breachnotificationrule/brinstruction.html>