

**Vascular Surgical Associates is including HITECH Act provisions to its Notice as follows:**

**HITECH Notification Requirements**

Under HITECH, Vascular Surgical Associates is required to notify patients whose PHI has been breached. Notification must occur by first class mail within 60 days of the event. A breach occurs when an unauthorized use or disclosure that compromises the privacy or security of PHI poses a significant risk for financial, reputational, or other harm to the individual. This notice must:

- (1) Contain a brief description of what happened, including the date of the breach and the date of discovery;
- (2) The steps the individual should take to protect themselves from potential harm resulting from the breach;
- (3) A brief description of what Vascular Surgical Associates is doing to investigate the breach, mitigate losses, and to protect against further breaches.

**Business Associates**

Effective February 2010, Vascular Surgical Associates' Business Associate Agreements have been amended to provide that all HIPAA/HITECH security administrative safeguards, physical safeguards, technical safeguards and security policies, procedures, and documentation requirements apply directly to the business associate.

**Cash Patients/Clients**

HITECH states that if a patient pays in full for their services out of pocket they can demand that the information regarding the service not be disclosed to the patient's third party payer since no claim is being made against the third party payer.

**Access to E-Health Records**

HITECH expands this right, giving individuals the right to access their own e-health record in an electronic format and to direct Vascular Surgical Associates to send the e-health record directly to a third party. Vascular Surgical Associates may only charge for labor costs under the new rules.

**Accounting of E-Health Records for Treatment, Payment, and Health Vascular Surgical**

Associates does not currently have to provide an accounting of disclosures of PHI to carry out treatment, payment, and health care operations. However, starting January 1, 2014, the Act will require Vascular Surgical Associates to provide an accounting of disclosures through an e-health record to carry out treatment, payment, and health care operations. This new accounting requirement is limited to disclosures within the three-year period prior to the individual's request.

Vascular Surgical Associates must either: (1) provide an individual with an accounting of such disclosures it made and all of its business associates disclosures; or (2) provide an individual with an accounting of the disclosures made by Vascular Surgical Associates and a list of business associates, including their contact information, who will be responsible for providing an accounting of such disclosures upon request.