



## **Understanding the HIPAA Privacy Rules for Your Volunteer Caregiving Program**

### **What are the HIPAA Privacy Rules?**

The Health Insurance Portability and Accountability Act of 1996 (Public Law 104-91), otherwise known as HIPAA, required the adoption of federal regulations governing the privacy of health information. Regulations designed to provide protection of health information of all individuals have been adopted by the Department of Health and Human Services and went into effect for most health care providers and insurers in April, 2003. Most of us have personal health information with our healthcare providers, and these rules establish guidelines and standards for the use and disclosure of such personal health information.

### **Who is covered?**

The rules apply to all organizations that meet the definition of a “covered entity.” A covered entity is defined as any health care provider, health plan or a healthcare-clearing house that transmits any health information in electronic form.

**Health care provider** is any agency that provides care and services related to preventive, diagnostic, rehabilitative, maintenance or palliative care and counseling.

**Health plan** is any individual or group plan that provides or pays the part of medical care.

A **health care clearinghouse** is a public or private entity that either:  
a) processes or facilitates the processing of health information in a nonstandard format, or b) receives a standard transaction and processes or facilitates the processing of health information.

### **What does this mean for your program?**

Generally speaking, most volunteer caregiving programs do not meet the definition of a covered entity, thus the rules do not apply. Of course, every program should consider what steps it should take to protect the privacy of the people the program serves.



**What happens if the program I work with is part of a covered entity?**

Many programs are under the umbrella of larger organizations, such as hospitals, mental health centers or hospices. If these larger entities are covered by the HIPAA privacy rules, they should have already adopted privacy policies and practices that comply with these rules. If you have not been advised of these policies and practices, or if you are not sure whether your umbrella organization is covered, you should be in touch with your contact at this organization as soon as possible. If your umbrella organization is a covered entity, HIPAA training opportunities should be available through the organization that governs the program. Volunteer caregiving programs that are part of a covered entity must comply with standards and policies adopted by that organization to comply with the HIPAA privacy rules.

**What if my Program receives referrals or information from a covered entity?**

Noncovered entities that provide services for a covered entity may be required by the covered entity to agree to maintain the confidentiality of certain health information. If your program is involved in a relationship with a covered entity, the covered entity may request your program to execute a confidentiality agreement that is known under the HIPAA rules as a “business associate agreement.” That agreement should be provided to the program by the covered entity.