

- A. 21<sup>st</sup> Century CURES Act & Information Blocking Rules

B. Data Breaches

C. HIEs/HINs

D. HIPAA Privacy & Security

E. 42 CFR Part 2 (+March 2020 CARES Act)

F. Telehealth/Telemedicine
- G. Research

H. Health IT & Meaningful Use

I. GDPR

J. CCPA

= Available

= To be Uploaded

= In Development

21 <sup>st</sup> Century Cures Act & Info Blocking	
Checklists & Tools	
03.2019	TOOL: CMS Cures Act Proposed Rule Chart
03.2019	TOOL: ONC Info Blocking Proposed Rule Chart
10.05.2020	TOOL: Preventing Harm Exception (Final Rule Text & Preamble Excerpts)
10.05.2020	TOOL: Privacy Exception (Final Rule Text & Preamble Excerpts)
10.05.2020	TOOL: Security Exception (Final Rule Text & Preamble Excerpts)
10.05.2020	TOOL: Infeasibility Exception (Final Rule Text & Preamble Excerpts)
10.05.2020	TOOL: Health IT Performance Exception (Final Rule Text & Preamble Excerpts)
10.05.2020	TOOL: Content & Manner Exception (Final Rule Text & Preamble Excerpts)
10.12.2020	TOOL: Fees Exception (Final Rule Text & Preamble Excerpts)
10.12.2020	TOOL: Licensing Exception (Final Rule Text & Preamble Excerpts)
Week of 10.12.2020	CHECKLIST: ONC Info Blocking Rule Compliance (Healthcare Providers)
Week of 10.26.2020	CHECKLIST: ONC Info Blocking Rule Compliance (HIEs/HINs)
Sample Forms	
Week of 10.19.2020	Patient Education: Privacy & Security Risks of Third-Party Health Apps (expressly permitted under Info Blocking Final Rule – preamble discussion)
Week of 10.19.2020	Documentation of Factors for Infeasibility Under the Circumstances (§171.204(a)(3)(i))
Week of 10.19.2020	Notice of Infeasibility (§171.204(b))
Week of 10.26.2020	HIPAA BA Agreement (tagged with warning language for Information Blocking)
Sample Policies	
HEALTH CARE PROVIDER:	
10.05.2020	POLICY: Hospital ADT Notification – New CMS Medicare COP
10.05.2020	POLICY: Preventing Harm Exception
10.05.2020	POLICY: Privacy Exception
10.05.2020	POLICY: Security Exception
10.05.2020	POLICY: Infeasibility Exception
10.05.2020	POLICY: Health IT Performance Exception
10.05.2020	POLICY: Content & Manner Exception
Week of 10.12.2020	POLICY: Fees Exception
Week of 10.12.2020	POLICY: Licensing Exception
Week of 10.19.2020	POLICY: “Master” Information Blocking Policy
Week of 10.19.2020	POLICY: Privacy – Individual Rights (HIPAA CE-HCP) (amended for Info Blocking)
Week of 10.19.2020	POLICY Privacy – Individual Request for Restriction (HIPAA CE-HCP) (amended for Info Blocking)
Week of 10.19.2020	POLICY: Privacy - Uses & Disclosures of ePHI (HIPAA CE-HCP) (amended for Info Blocking)
Week of 10.26.2020	POLICY: Security – Administrative (HIPAA CE-HCP) (amended for Info Blocking)
Week of 10.26..2020	POLICY: Security – Technical (HIPAA CE-HCP) (amended for Info Blocking)
Week of 10.26..2020	POLICY: Privacy – Individual Rights (BA) (amended for Info Blocking)
HIE/HIN (BA): Coming soon!	
PowerPoints	
10.5.2020	PPT: CMS Final Rule: Encounter Notification as Medicare Condition of Participation
10.5.2020	PPT: 21st Century CURES Act & Final Rules on Information Blocking
10.5.2020	PPT: ONC Final Rule on Information Blocking (Preventing Harm; Privacy; Content & Manner)
10.5.2020	PPT: ONC Final Rule on Information Blocking (Security; Infeasibility; Health IT Performance; Fees; Licensing)
Whitepapers	
12.2018	WHITEPAPER: 21 <sup>st</sup> Century CURES Act & MACRA

Quick Access Links	
<ul style="list-style-type: none"><li>Statute: <a href="#">21<sup>st</sup> Century Cures Act</a> (Public Law 114-255)(December 13, 2016)</li><li>Statute: <a href="#">42 USC 300jj-52</a> (Information Blocking)</li><li>Final Regulation: [See TOOLS for a combined copy of final federal regulatory text]</li><li>Rule: <a href="#">ONC Final Rule: Info Blocking &amp; Health IT Certification Program</a> 85 Fed Reg 25642 (May 1, 2020)</li><li>Rule: <a href="#">ONC Proposed Rule: Info Blocking, &amp; Health IT Certification Program</a> 42 Fed Reg 7424 (March 4, 2019)</li><li>Rule: <a href="#">CMS Final Rule: Interoperability and Patient Access</a> 85 Fed Reg 25510 (May 1, 2020)</li><li>Rule: <a href="#">CMS Proposed Rule: Interoperability and Patient Access</a> 84 Fed Reg. 7610 (March 4, 2019)</li><li>Rule: <a href="#">OIG Proposed Rule: Civil Monetary Penalties for Information Blocking</a> 80 Fed Reg. 22979 (April 24, 2020)</li><li><i>Future Rule:</i> [<i>OIG Final Rule: Civil Monetary Penalties for Information Blocking</i>]</li><li><i>Future Rule:</i> [<i>HHS Notice and Rulemaking re: “Appropriate Disincentives” for Health Care Provider engaged in Information Blocking</i>]</li><li>Agency Action: <a href="#">ONC Announcement of Enforcement Discretion</a> (April 21, 2020) (3-month delay in enforcement)</li><li>Agency Action: <a href="#">CMS Announces Enforcement Discretion</a> (April 21, 2020) (6-month delay in enforcement)</li><li>Agency Resource: <a href="#">ONC Cures Act Rule Fact Sheets</a></li><li>Agency Resource: <a href="#">ONC Enforcement Dates &amp; Timeline</a></li><li>Agency Resource: <a href="#">ONC Proposed Rule &amp; Final Rule Summary of Changes</a></li><li>Agency Resource: <a href="#">ONC Regulatory Deadlines Dates</a></li><li>Agency Resource: <a href="#">CMS Cures Act Rule Fact Sheet</a></li><li>[<i>Future Reporting to HHS</i>]</li></ul>	
Data Breaches	
Tools & Checklists	
4.21.2020	<b>TOOL: HIPAA Incident Report with Log</b>
4.21.2020	<b>TOOL: HIPAA Breach Assessment</b> (+Low Probability scoring Tool)
<i>Week of 10.19.2020</i>	TOOL: NJ-HIPAA Breach Decision Tree
<i>Week of 10.19.2020</i>	TOOL: NY-HIPAA Breach Decision Tree
<i>Week of 10.19.2020</i>	TOOL: PA-HIPAA Breach Decision Tree
<i>Week of 10.19.2020</i>	TOOL: Template_HIPAA-State Breach Law Decision Tree
<i>Coming soon!</i>	<i>TOOL: 50 State Survey of Data Breach Laws</i>
<i>Coming soon!</i>	<i>TOOL: Final HITECH Breach Rule in FULL (CFR version)</i>
<i>Coming soon!</i>	<i>TOOL: Checklist to Reviewing Your HIPAA Breach Policy &amp; Procedures</i>
Sample Forms	
4.19.2020	<b>FORM: Breach Notification Letter to Patient (CE-HealthCare Provider)</b>
4.19.2020	<b>FORM: Certification by Entity PHI Destroyed (BA)</b>
4.19.2020	<b>FORM: Certification by Entity PHI Destroyed (CE-HealthCare Provider)</b>
Sample Policies	
4.19.2020	<b>POLICY: HIPAA Breach Response &amp; Notification (BA)</b>
4.19.2020	<b>POLICY: HIPAA Breach Response &amp; Notification (CE-HealthCare Provider)</b>
PowerPoints	
<i>Coming soon!</i>	<i>Managing a Data Breach from Beginning to End</i>
<i>Coming soon!</i>	<i>Big Data Breaches &amp; Class Action Lawsuits</i>
<i>Coming soon!</i>	<i>Training Your Workforce to Report Breaches</i>
Whitepapers	
<i>Coming soon!</i>	<i>WHITEPAPER: HIPAA Breach Preemption with State Law (05.06.2011)</i>
Quick Access Links	
<ul style="list-style-type: none"><li>Statute: <a href="#">HITECH Statute</a> H.R.1-114</li><li>Rule: <a href="#">HITECH Omnibus Final Rule (+Breach Notification)</a> 78 Fed Reg 5566 (January 25, 2013) [compliance by September 23, 2013]</li><li>Rule: <a href="#">HITECH Act Proposed Rule</a> 75 Fed Reg 40868 (July 14, 2010)</li><li>Rule: <a href="#">HITECH Breach Notification Interim Final Rule</a> 74 Fed Reg 42740 (August 24, 2009) [effective September 23, 2009]</li><li>Rule: <a href="#">FTC Health Breach Notification Rule</a> 74 Fed Reg 42962 (August 25, 2009)</li><li>Reporting to FTC: <a href="#">Federal Trade Commission (FTC) Breach Notification Form</a> for vendors of PHR to notify FTC</li><li>Reporting to HHS: <a href="#">HHS Portal to Report HIPAA Breaches</a> (Annual reporting and immediate reporting of Breaches 500+)</li><li>Agency Guidance: <a href="#">OCR Encryption Guidance</a> See also <a href="#">74 Fed Reg 19006</a> (April 27, 2009)</li><li>Agency Guidance: <a href="#">Ransomware Guidance</a></li><li>Agency Guidance: <a href="#">Update on Preventing, Mitigating &amp; Responding to Ransomware.</a> (Fall 2019)</li><li>Agency Resource: Guidance for Media Sanitization (<a href="#">NIST Special Publication 800-88</a>) (12/17/2014)</li><li>Resource: <a href="#">50-State Catalog of State Security Breach Notification Laws</a> assembled by the National Conference of State Legislatures</li></ul>	

HIE & HIN/HIO	
Checklists & Tools	
03.2020	TOOL_Incorporating Part 2 Records in HIOs
4.2020	TOOL_Pros & Cons Worksheet for Selecting a Governing HIO Entity
4.2020	CHECKLIST: Participant HIE Readiness
4.2020	CHECKLIST: Evaluating HIT Vendor Contracts
4.2020	CHECKLSIT: Evaluating Cyber Insurance for HIE
4.2020	CHECKLIST: Decision Matrix for Developing Policies for Health Information Exchange
4.2020	CHECKLIST: Considertions for Development of an HIO or HIE
4.2020	CHECKLIST: Decision Matrix for Organizations Evaluting HIE Activities
4.2020	CHECKLIST: De-identifying PHI and Creating Limited Data Sets
4.2020	CHECKLSIT: Identifying Business Associates and Need for BAA
Coming soon!	TOOL: Poster Diagram of Opt-Out
Coming soon!	TOOL: 50-State Chart of HIO Issues & Standards (Opt-In/Out; Consent; Use of De-identified Data etc.)
Coming soon!	CHECKLIST: Privacy Requiremenst for DURSA and the eHealth Exchange
Coming soon!	CHECKLIST: Developing Personal Health Record Policies
Sample Forms	
Sample Policies	
Coming soon!	HIE Policies
PowerPoints	
4.19.2020	HIE Registration Training and End User Agreement (Clinician)
Whitepapers	
07.2015	Minors Emancipated Treatment Challenges with Electronic HIE and Patient Portals (written July 2015)
04.2014	When do HIE Conduits Cross the HIPAA BA Line? (prepared April 2014)
2014	Sensitive Information, Consent and HIE (prepared in 2014)
10.2012	Workforce Access to Personal PHI & FamilyPHI from Covered entity HER (prepared October 2012)
09.2012	Recommendations for Patient HIE Education and “Meaningful Consent” (prepared September 2012)
05.2012	Implementing an Opt-Out Consent Framework for HIE – a Case Example (prepared May 2012)
02.2012	Patient Consent & Opt-Out Under the Medicare ACO Rule (prepared Feb 2012)
2012	HIEs as Bas for Data Loading and Storage (prepared in 2012)
2011	Sequestration of Sensitive Information (prepared in 2011)
2011	Starting up Electronic Health Information Exchange (prepared in 2011)
Quick Access Links	
<ul style="list-style-type: none"><li>▪ Statute:</li><li>▪ Regulation:</li><li>▪ Agency Action:</li><li>▪ Agency Resource:</li><li>▪ Other Resource:</li></ul>	
HIPAA Privacy & Security	
Tools & Checklists	
4.19.2020	CHECKLIST: Assessing your Organization for HIPAA Covered Entity Status {Legal HIE}
4.19.2020	CHECKLIST: Business Associates & When a HIPAA BAA is Needed
4.19.2020	CHECKLIST: Business Associate HIPAA Compliance Checklist
4.19.2020	CHECKLIST: Destruction of ePHI Checklist
4.19.2020	CHECKLIST: Health Care Provider HIPAA Compliance Checklist
4.19.2020	CHECKLIST: De-Identification of PHI and Limited Data Set (LDS) Standards
4.19.2020	CHECKLIST: Required Elements of a HIPAA Authorization
4.19.2020	CHECKLIST: Required Elements of a HIPAA BAA
4.19.2020	TOOL: Security Reminders (samples)
03.2020	TOOL: HIPAA Primer and “Train the Trainer”
10.19.2020	TOOL: OCR HIPAA Enforcement Agreements – Learn from Others’ Past Mistakes [Running Summary of ALL Enforcement Cases]
Coming soon!	TOOL: EASY REFERENCE_Combined Privacy, Security & Breach Rules

Sample Forms & Policies	
4.19.2020	FORM: Workforce Acknowledgement of HIPAA Obligations
4.19.2020	POLICY: Business Associates (BA) and BAAs
4.19.2020	POLICY: HIPAA Compliance Program (CE-Health Care Provider)
4.19.2020	POLICY: HIPAA Compliance Program (BA)
4.19.2020	POLICY: Use of Email to transmit ePHI
4.19.2020	POLICY: Use of Mobile Devices
Coming soon!	POLICY: Remote Access
Coming soon!	POLICY: Social Media
Coming soon!	POLICY: Ransomware Response
Coming soon!	POLICY: Cloud Providers (square BA peg in circle BA hole)
PowerPoints	
4.2020	PPT: HIPAA Workforce Training (PowerPoint)
Whitepapers	
06.2013	Granting Access to Care Coordinators in Accordance with HIPAA
10.2012	Workforce Access to Personal PHI & Family PHI from Covered Entity’s EHR (prepared October 2012)
02.2012	Patient Consent & Opt-Out Under the Medicare ACO Rule (prepared Feb 2012)
Quick Access Links	
<ul style="list-style-type: none"><li>Statute: <a href="#">HIPAA Statute</a> (Public Law 104-191) (August 21, 1996)</li><li>Statute: <a href="#">HITECH Statute</a> (H.R. 1-2) (Feb 17, 2009)</li><li>Rule: <a href="#">RFI on Modifying HIPAA Rules to Improve Coordinated Care</a>. 83 Fed Reg 64302 (12/14/2018)</li><li>Final Rule: <a href="#">FINAL HITECH Omnibus Rule</a>. 78 Fed Reg 5566 (01/25/13)</li><li>Rule: <a href="#">Proposed HITECH Omnibus Rule</a>. 75 Fed Reg 40868 (07/14/10)</li><li>Final Rule: <a href="#">FINAL Rule – Modifications to the Privacy Rule</a>. 67 Fed Reg 53181 (08/14/2002)</li><li>Rule: <a href="#">Proposed Rule-Modification to the Privacy Rule</a>. 67 Fed Reg 14776 (03/27/2002)</li><li>Rule: <a href="#">Correction of Effective &amp; Compliance Dates for Privacy Rule</a>. 66 Fed Reg 12434 (02/26/01)</li><li>Final Rule: <a href="#">FINAL Privacy Rule</a>. 65 Fed Reg 82462 (12/28/2000)</li><li>Rule: <a href="#">Proposed Privacy Rule</a>. 64 Fed Reg 59918 (11/03/99)</li><li>Rule: <a href="#">Delegation of Authority to OCR</a>. 74 Fed Reg 38630 (08/04/09)</li><li>Final Rule: <a href="#">FINAL Security Rule</a>. 68 Fed Reg 8334 (02/20/03)</li><li>Rule: <a href="#">Proposed Security Rule</a>. 63 Fed Reg 43242 (08/12/98)</li><li>Final Rule: <a href="#">HIPAA Enforcement Rule</a>. 71 Fed Reg 8390 (02/16/2006)</li><li>Notice: <a href="#">HIPAA Enforcement Discretion</a>. 83 Fed Reg 18161 (04/30/2019)</li><li>Agency Resource: <a href="#">OCR Regional Offices for HIPAA</a></li><li>Agency Resource: <a href="#">OCR HIPAA Complaint Portal</a></li><li>Agency Resource: <a href="#">Combined Text of Final Privacy Rule, Security Rule &amp; HITECH Omnibus Rule</a> (through March 26, 2013)</li><li>Agency Resource: <a href="#">HHS Security Risk Assessment Tool</a></li><li>Agency Resource: <a href="#">SECURITY Rule Guidance Material</a> (includes guidance on: <a href="#">Remote Use</a>; <a href="#">Mobile Devices</a>; <a href="#">Ransomware</a>; NIST Special Publications; FTC Guidance on <a href="#">Peer-to-Peer File Sharing Applications</a>; <a href="#">Digital Copiers</a>; <a href="#">Medical Identity Theft</a>; <a href="#">Cloud Computing</a>)</li><li>Agency Resource: <a href="#">PRIVACY Rule Guidance Material</a> (includes guidance on: <a href="#">Access Rights</a>, <a href="#">Apps &amp; APIs</a>; <a href="#">Patients’ Right of Access</a>; <a href="#">Workplace Wellness Programs</a>; <a href="#">De-identification of PHI</a>; <a href="#">Mental &amp; Behavioral Health Info</a>; <a href="#">Research</a>; <a href="#">Public Health</a>; <a href="#">Emergency Response</a>; <a href="#">GINA</a>; <a href="#">CLIA</a>; <a href="#">Ryan White &amp; HIV/AIDS</a>)</li><li>Agency Resource: <a href="#">HIPAA FAQs</a></li></ul>	
42 CFR Part 2 (+March 2020 CARES Act Amendments)	
Checklists & Tools	
02.2020	CHECKLIST _Authorization&Consent form requirements under HIPAA and 42 CFR Part 2
03.2020	TOOL_Incorporating Part 2 Records in HIOs
Sample Forms & Policies	
Coming soon!	42 CFR Part 2 Policies and Procedures for Part 2 Providers and Programs
PowerPoints	
Whitepapers	



- Statute: [42 USC 290dd-2](#) (as amended March 27, 2020 by the CARES Act)
- Rule: [42 CFR Part 2](#) (Confidentiality of Substance Use Disorder Patient Records)(through 01/18/17)
- Rule: [SAMHSA Final Rule](#) (Confidentiality of SUD Records) 82 Fed Reg 6052 (01/18/17)
- Rule: [SAMHSA Proposed Rule](#) (Confidentiality of SUD Records) 84 Fed Reg 44568 (08/26/2019)
- Rule:
- Agency Resource: [FAQ: Applying 42 CFR Part 2 to Health Information Exchange \(HIE\)](#)
- Agency Resource:
- Agency Resource: [Does 42 CFR Part 2 Apply to Me?](#) Excellent SAMHSA whitepaper evaluating applicability of Part 2 to various networked cared settings, including HIEs & ACOs
- Other Resource: [Legal Action Center](#)

## Checklists & Tools

<i>Coming soon!</i>	

*Coming soon!*


*Coming soon!*

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- Statute:
- Rule:
- Agency Guidance:
- Agency Resource: [SAMHSA-HRSA Tele-behavioral Health Training & Technical Assistance](#)
- Agency Resource:

## Checklists and Tools

05.2018	TOOL_GDPR Compliance Matrix
05.2018	TOOL_GDPR Principles
05.2018	TOOL_GDPR Scope and Activities

Coming soon! | SAMPLE\_IRSG\_Data Protection Addendum

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May 2018	GDPR Summary (written May 2018)
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- Privacy Shield Framework

■ <i>EU GDPR Quick Links</i>

Research	
Checklists and Tools	
04.2020	CHKLST_De-identifying PHI and Creating Limited Data Sets
Sample Forms & Policies	
04.2020	POLICY: Research
PowerPoints	
4.2020	Research under HIPAA & Common Rule
Whitepapers	
Quick Access Links	
<ul style="list-style-type: none"><li>Statute:</li><li>Statute:</li><li>Rule:</li><li>Rule:</li><li>Agency Resource: <a href="#">OCR Guidance on 21<sup>st</sup> Century Cures Act Mandate re: Individual Authorization of Uses/Disclosures of PHI for Research</a></li><li>Agency Resource: <a href="#">HHS HIPAA Guidance on Research</a></li><li>Agency Resource: <a href="#">HIPAA Privacy Rule Booklet for Research</a></li><li>Agency Resource: <a href="#">Clinical Research Fact Sheet</a></li><li>Agency Resource: <a href="#">Institutional Review Boards Fact Sheet</a></li><li>Agency Resource: <a href="#">HIPAA Authorization Fact Sheet and Sample Language</a></li><li>Agency Resource: <a href="#">Health Services Research Fact Sheet</a></li><li>Agency Resource: <a href="#">Research Repositories and Databases Fact Sheet</a></li><li>Agency Resource: <a href="#">Frequently Asked Questions</a></li><li>Agency Resource:</li></ul>	
Certified Health IT & Meaningful Use	
Checklists & Tools	
Sample Forms & Policies	
PowerPoints	
Whitepaper	
Quick Access Links	
<ul style="list-style-type: none"><li>Statute:</li><li>Regulation:</li><li>Regulation:</li><li>Regulation:</li><li>Agency Action:</li><li>Agency Resource:</li><li>Agency Resource:</li><li>Agency Resource:</li><li>Other Resource:</li></ul>	
SOCIAL MEDIA	
Checklists & Tools	
Sample Forms & Policies	
4.2020	POLICY: Social Media Use (incl PHI)
PowerPoints	
Coming soon!	PPT_Social Media & Internet Training

TCPA	
Checklists & Tools	
Sample Forms & Policies	
PowerPoints	
Whitepaper	
4.2020	Background to the TCPA
Quick Access Links	
<div><div>▪ Statute:</div><div>▪ Regulation:</div><div>▪ Regulation:</div><div>▪ Regulation:</div><div>▪ Agency Action:</div><div>▪ Agency Resource:</div><div>▪ Agency Resource:</div><div>▪ Agency Resource:</div><div>▪ Other Resource:</div></div>	