

HIPAA Q&A

< continued from p. 9

(depending on how covered entities intend to comply with this new requirement)

- ▶ The statutory requirement that BAs comply with the HIPAA security rule and the privacy rule's use and disclosure provisions

Q Would use of an operating system with 128-bit encryption satisfy the definition of secure electronic PHI for data at rest?

A The PHI currently would be considered secure pursuant to the interim final rule on breach notification.

Remain aware of NIST encryption standards, however, because encryption requirements may change in the future. This can occur because the definition of secure electronic PHI, which relates directly to NIST encryption standards, is subject to periodic updates that address technology changes and new security threats. ■

Editor's note: Apgar is president of Apgar & Associates, LLC, in Portland, OR. He has more than 17 years of experience in information technology and specializes in security compliance, assessments, training, and strategic planning. He is a board member of the Workgroup for Electronic Data Interchange.

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