In 2003, the Health Insurance Portability and Accountability privacy rule (HIPAA) established uniform privacy protections over patients’ health information. HIPAA is the result of Congress’ attempt to standardize and protect the privacy of individuals’ health care records as technology allowed increased access to and sharing of medical and financial records within our healthcare system via electronic transmissions. While HIPAA’s privacy rule has been in existence for several years, many rural transit providers still struggle to understand their role within the HIPAA regulations. Providers of non-emergency medical transportation especially question how HIPAA applies to their service.

The United States Department of Health and Human Services (HHS) continues to provide information about HIPAA’s privacy rule by explaining the definitions within the regulations. According to HHS, HIPAA applies to “covered entities.” The definition of covered entities under HIPAA can be found on HHS’s website (http://www.hhs.gov/ocr/hipaa/) under the question and answer section (copied below).

**Question:** Who must comply with these new HIPAA privacy standards?

**Answer:** As required by Congress in HIPAA, the Privacy Rule covers:
• Health plans;
• Health care clearinghouses; and,
• Health care providers who conduct certain financial and administrative transactions electronically. These electronic transactions are those for which standards have been adopted by the Secretary under HIPAA, such as electronic billing and fund transfers.¹

If your organization is considered a covered entity under HIPAA, the organization needs to adopt the HIPAA standardized electronic format for your transactions to comply with the law. Guidelines for that format can found here: http://www.hhs.gov/ocr/hipaa/smallbusiness.html.

If you are still unsure if you agency is a covered entity, HHS does have online tools available to help you determine your status and you can access them at: http://www.hhs.gov/ocr/hipaa.

How does that affect transit systems?

There is no concrete guidance available on how transportation, particularly non-emergency medical transportation, relates to the HIPAA privacy rule. However, a privacy expert at HHS’s Office for Civil Rights reiterated the above definition for a covered entity by indicating that only those organizations that provide health care and bill for services electronically must comply with the HIPAA law. So, there are very few, if any, transit systems that fall within that category.

Transit systems do not violate HIPAA’s privacy rule for the following:

• Using a paratransit vehicle with your system’s logo to provide door-to-door service.

So what does this all mean?

Remember, it is important to know that HIPAA is intended to protect individuals’ privacy during the electronic exchange of medical and financial information to and from health care providers and health insurance plans. It is not meant to impede access to healthcare services.

For more information on HIPAA, visit the HHS Office for Civil Rights webpage (http://www.hhs.gov/ocr/hipaa/) where you can access resources that include fact sheets, frequently asked questions, and online tools (which can be used to help determine if your organization is a covered entity).