

NOTICE OF PROPOSED REGULATORY ACTION

Regulation or Other Reference:	Health Insurance Portability and Accountability Act (HIPAA) Omnibus Rule, Federal Register, January 25, 2013
Requesting Agency:	DIVISION OF HEALTH CARE FINANCING AND POLICY
<input type="checkbox"/>	Intended Action (30 day notice to public) <i>(Governor's office to be notified before notice is distributed to the public)</i> <input type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal Date of Intended Action:
<input checked="" type="checkbox"/>	Workshop (15 day prior notice) <i>(Governor's office to be notified before notice is distributed to the public)</i> Date of Workshop: August 23, 2013
Notify Governor's office at least 10 days prior to final adoption of regulations	
Action is consistent with Governor's regulatory priorities (check all that apply):	
<input type="checkbox"/>	a. Affects public health
<input type="checkbox"/>	b. Affects public safety and security
<input type="checkbox"/>	c. Necessary for the pursuit of federal funds and certifications
<input type="checkbox"/>	d. Affects the application of powers, functions and duties essential to the operation of the state agency, department, board or commission at issue
<input type="checkbox"/>	e. Affects pending judicial deadlines
<input checked="" type="checkbox"/>	f. Necessary to comply with federal law
<input type="checkbox"/>	g. Regulations will have a positive economic impact for the people of the State of Nevada.
Regulatory Language must be provided as soon as possible. Original draft <input type="checkbox"/> Revised language <input type="checkbox"/> <input type="checkbox"/> is attached <input type="checkbox"/> will be sent <i>(Send copy of proposed language to agency liaison in Governor's office)</i>	
1. What is the problem the regulation is designed to address? Or, if the regulation does not address a specific problem, the value to the public of the regulation?	
The HIPAA Omnibus Rule changes the definition of "business associate" to encompass a broader group not before bound to HIPAA compliance; this includes Medicaid's non-medical providers of services. The purpose of this workshop is to introduce the requirement to providers and educate them on the need not only to comply but to sign an additional, federally-required Business Associate Addendum to their Provider Contract.	
2. What is the anticipated impact of the regulation on the problem or the anticipated benefits provided by it?	
Adherence to the regulation is aimed at protecting patient's confidential information.	
3. What is the anticipated adverse impact, if any, on impacted groups – including, but not limited to, businesses of all sizes, small communities and government entities?	
Small businesses and independent providers will now be required to comply with several requirements of the HIPAA Privacy and Security Rules.	

4. What is the anticipated cost – both directed and indirect – of the regulation, including, but not limited to, the cost of enactment, enforcement and compliance?

Unknown.

5. Why is the regulation necessary?

Protection of patient privacy.

6. Are there alternate forms of regulation sufficient to address the problem?

No.

7. Is the regulation written clearly and concisely so as to achieve easy understanding and application?

Yes.

8. Do other regulations address the same problem?

No.

Gilbert A. Cade for Larrie Spartzoff
Division Administrator

8/7/13
Date

Suzanne Foster
Agency Contact Name & Number *684-3606*

8-6-13
Date