



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

OFFICE OF THE NATIONAL OMBUDSMAN

Mr. Mike Fultz
Representative
Association of TeleServices International
222 S. Westmonte Drive Suite 101
Altamonte Springs, FL 32714

MAR 03 2015

Dear Mr. Fultz:

As you know, the information you provided during your testimony at the U.S. Small Business Administration Office of the National Ombudsman's National Regulatory Fairness Hearing in Washington, D.C. regarding the burden placed on telephone answering services to comply with HIPAA business associate regulations was referred to the Department of Health and Human Services (HHS) for a high-level review and response. Enclosed you will find a copy their response.

Thank you again for bringing your concerns to my attention. If you have any questions or concerns, please contact Ellie Zahirieh, Case Management Specialist, by telephone at (202) 205-2417, or e-mail at elahe.zahirieh@sba.gov.

Sincerely yours,

Brian Castro
National Ombudsman and
Assistant Administrator for Regulatory Enforcement Fairness

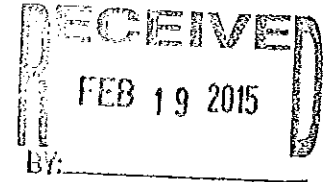
Enclosures
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February 4, 2015

Mr. Brian Castro
National Ombudsman and
Assistant Administrator for Regulatory Enforcement Fairness
Small Business Administration
409 3rd Street, SW, MC 2120
Washington, D.C. 20416-0005
Attn: Ellie Zahirieh, Case Management Specialist

Director
Office for Civil Rights
Washington, D.C. 20201



Dear Mr. Castro:

Thank you for your letter to the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), relaying the concerns of the Association of TeleServices International (ATSI) regarding the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security Rules. ATSI states that compliance with the HIPAA Rules places an undue burden on business associates that provide telephone answering services for HIPAA covered entities. ATSI has requested that HHS consider exempting telephone answering services from compliance with the HIPAA requirements.

Although HHS is not in a position to create an exception to the statutory and regulatory requirements for business associates to protect individually identifiable health information, the Department recognizes the importance of minimizing regulatory burden on small entities. Accordingly, the requirements of the HIPAA Rules are designed to be flexible and scalable to all types and sizes of covered entities and business associates. For example, in implementing the Security Rule standards, covered entities and business associates have the flexibility to adopt security measures that are appropriate for their size, resources, complexity, and the nature of the security risks they face. The Security Rule standards are also technology neutral. Further, with respect to the Privacy Rule, business associates are subject to fewer requirements than covered entities. For example, business associates are not required to comply with many of the administrative requirements of the Privacy Rule.

OCR has developed extensive materials to assist covered entities and business associates in meeting their compliance requirements, all available free of charge. Tools include a series of six on-line training modules, videos, webinars, fact sheets, answers to frequently asked questions, and sample business associate agreement provisions. These and other materials are available at: <http://www.hhs.gov/ocr/hipaa/>.

We hope this information is helpful to you. If we can be of further assistance, please do not hesitate to contact our office.

Sincerely,

Jocelyn Samuels