



How the new

HITECH Act

*(Health Information Technology for Economic and Clinical Health)
affects the relationship with your technology
disposal vendor.*

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One of the most important and far reaching impacts of the American Recovery and Revitalization Act (ARRA) is the HITECH act providing up to \$19 billion in incentives to promote the implementation of a nationally standardized electronically based medical records system. One of the principal concerns with this initiative is protecting the privacy of a patient's health information. To address this concern, HITECH has significantly ramped up the privacy requirements and liabilities of HIPAA.

The single biggest change is the creation of a Health Data Breach Notification requirement. This is a mandatory requirement, no matter how small a breach. If the breach includes more than 500 individuals you must notify all those potentially affected, and thus the breach becomes public knowledge. This breach notification requirement is similar to those found in State Identity Theft Regulations. ID theft notification statistics show that the cost per individual can reach \$300 or more, in addition to the public relations liability.

Other Provisions Include:

1. Potential fines have been increased from a maximum of \$25,000 to \$1,500,000,
2. States' Attorneys General - rather than the Federal Department of Health and Human Services, are responsible for enforcement,
3. HIPAA regulations are extended to Business Associates,
4. Business Associates Agreements must be evaluated and revised to cover the new requirements.

The huge infusion of HITECH stimulus dollars will create a significant new flow of to be disposed of old technology assets and its associated data storage media. HIPAA already requires that you have a written policy and procedure in place to protect physical data storage assets. The new HITECH data security liabilities require an even tougher set of requirements for the destruction of to be disposed of data storage devices and media.

The continuing increase in storage capacities of individual technology devices and the significant increase in the liabilities associated to the failure to protect the data stored on the devices mandates the need to improve your control mechanism for the destruction of data contained on obsolete and defective data storage devices and media. Shredding of data storage devices and data media is recognized by the National Institute of Standards and Technology (NIST) as the best method of destroying previously recorded data.

Back Thru The Future is introducing a simple, inexpensive and absolute process for the secure destruction of data storage devices and media.

**Back Thru The Future
SAFE HARBOR EXPRESS
Scheduled Data Destruction Service**

1. We provide an automated inventory system and secure collection containers for the identification and collection of your to be destroyed data storage devices,
2. We provide scheduled secure pickup and delivery services for your secure containers, including legal chain of custody documentation,
3. We shred the data storage devices in our National Association for Information Destruction (NAID) certified secure data destruction facility and provide detailed data destruction certification. NAID certification meets with the regulation's requirements to perform vendor due diligence,
4. The shredded material is collected and disposed of in a 100% green recycling process in our NJ DEP licensed "Class D" electronic processing facility. As an EPA licensed facility we provide, legally defensible, environmental compliance documentation for the disposal activity,
5. For your protection, in addition to our regulatory certifications, we carry \$2M insurance policies for Professional Liability, Employee Dishonesty, and Environmental Pollution. We carry \$5M in Liability insurance and our employees are bonded,
6. All project documentation is sent to you in digital form and stored in our web-based archive "Compliance Library",
7. All of these services are provided in an annual agreement that allows you to pick the size of the secure containers and the frequency of pick up for one low annual cost.

The timing is right.

You must review your Business Associate Agreements and modify them to comply with the new HITECH requirements. This service meets with both HIPAA and HITECH data security provisions.