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September 10, 2010

Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
Attention: HITECH Privacy and Security Rule Modifications
Hubert H. Humphrey Building
Room 509F
200 Independence Avenue, S.W.
Washington, DC 20201

Submitted electronically to: <http://www.regulations.gov>

Re: **45 CFR Parts 160 and 164: Modifications to the HIPAA Privacy, Security, and Enforcement Rules Under the Health Information Technology for Economic and Clinical Health Act; Proposed Rule**
RIN: 0991—AB57; 75 Fed. Reg. 40867 (July 14, 2010)

Dear Secretary Sebelius:

The American Nurses Association (ANA) welcomes the opportunity to offer comments on this proposed rule. The ANA is the only full-service professional organization representing the interests of the nation's 3.1 million registered nurses, the single largest group of health care professionals in the United States. We represent RNs in all roles and practice settings, through our state and constituent member nurses associations, and organizational affiliates. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, projecting a positive and realistic view of nursing, and advocating before Congress and regulatory agencies on health care issues affecting nurses and the public. Our members include Advanced Practice Registered Nurses (APRNs) such as Nurse Practitioners (NPs), Clinical Nurse Specialists (CNSs), Certified Nurse Midwives (CNMs), and Certified Registered Nurse Anesthetists (CRNAs).

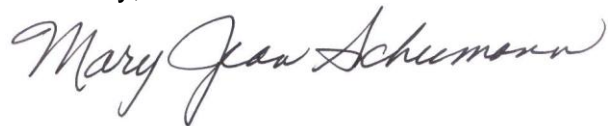
We offer the following brief comments and suggestions:

- The American Nurses Association supports the expanded definition of “business associate” and the extended application of business associate rules to subcontractors of business associates related to protected health information.

- The ANA concurs with the recommendation to no longer require protection of individually identifiable health information of persons who have been deceased for more than 50 years.
- With regards to the disclosure of information to schools about student immunizations, the ANA recommends retaining the requirement for written documentation giving permission to disclose this information to a school. We also recommend that the final rule include specific language identifying the school nurse as the recipient and custodian of such protected health information.

We appreciate the opportunity to comment on this important rule. If we can be of further assistance, or if you have any questions or comments, please feel free to contact Carol J. Bickford, PhD, RN-BC, Senior Policy Fellow, Department of Nursing Practice and Policy, American Nurses Association, at carol.bickford@ana.org, or 301-628-5060.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jean Schumann".

Mary Jean Schumann, MSN, MBA, RN, CPNP
Chief Programs Officer
American Nurses Association