

# HIPAA COMPLIANCE

Lightico is a HIPAA complaint business partner in the capacity as a business associate.

## What is HIPAA?

The Health Insurance Portability and Accountability Act of 1996 (aka, “HIPAA”) is a federal law in the United States that governs, among other things, the protection, security and confidential handling of protected health information (“PHI”). The HIPAA Privacy regulations require health care providers and organizations, as well as their business associates, to develop and follow procedures that ensure the confidentiality and security of PHI when it is transferred, received, handled, or shared. This applies to all forms of PHI, including paper, oral, and electronic, etc.

## Who is subject to HIPAA?

The HIPAA rules apply to both covered entities and business associates. Individuals, organizations, and agencies that meet the definition of a **covered entity** under HIPAA must comply with the Rules’ requirements to protect the privacy and security of health information and must provide individuals with certain rights with respect to their health information. Covered entities generally include health care providers (e.g., doctors, pharmacies, clinics, hospitals, insurance companies, etc.). If a covered entity engages a **business associate** to help it carry out certain activities and functions which involve the sharing of PHI, the covered entity must have a written business associate agreement (a “BAA”) or other documented arrangement with the business associate that establishes specifically what the business associate has been engaged to do and requires the business associate to comply with the HIPAA requirements to protect the privacy and security of PHI.

## What is the HITECH Act and HIPAA Omnibus Rule?

As noted above, HIPAA compliance requires that PHI is securely transmitted and stored. The HITECH Act of 2009, which is a later add-on to HIPAA, extends these directives to PHI in digital form – i.e., ePHI. In 2013, the HIPAA Omnibus Rule further/officially extended the privacy and security requirements regarding PHI business associates, which included mandating the need for covered entities and business associates to enter into BAAs.

## Are electronic signatures HIPAA compliant?

HIPAA is agnostic as to the manner in which documents containing PHI may be signed, so long as the form of signature can be maintained in a manner that complies with HIPAA when those signatures constitute PHI. So long as a PHI set (including an electronic signature) can be maintained by both covered entities and business associates alike in ways that complies with the HITECH Act, there shall be no issue with the use of electronic signatures insofar as HIPAA is concerned. One should still consult other applicable regulations (e.g., the U.S. Electronic Signatures in Global and National Commerce Act (ESIGN) and the Uniform Electronic Transactions Act (UETA)) as to the permissibility and enforceability of electronic signatures in the context of each contract in which such a signature is intended to be used.

## What other laws apply to the personal information transmitted to Lightico?

Depending upon the nature of the personal information you share with us and that we are required to process, there may be state laws which govern issues such as: (i) disclosure requirements, (ii) safeguarding of personal information, (iii) breach notifications, etc. Lightico expends substantial resources to ensure that it is compliant with all applicable laws and regulations both in the U.S. and beyond.

## What is Lightico's status under HIPAA?

Lightico is a business associate since it will or may be given access to PHI by its covered entity customer. Lightico will gladly sign BAAs with those covered entities that require BAAs from service providers having any contact with PHI. Some of the more common uses of the Lightico proprietary platform by covered entities include:

- Patient onboarding
- Hospital intake forms
- Provider agreements
- Consent forms
- Transition of care documents
- Notice of privacy practices
- Vendor/supplier contracts
- Insurance claims processing
- Drug prescriptions
- Lab reports

## Is Lightico HIPAA Compliant?

Lightico is HIPAA compliant in the capacity as a business associate.

## What about Lightico's Platform makes it so well positioned for HIPAA?

Lightico, as an organization, has always been committed to developing products and services which are sensitive to privacy and data security. We've done so because we firmly believe that it's the correct and prudent way to operate, and because it's good business. By way of example, Lightico is ISO 27001 certified and in compliance of ISO 27017, 27018 and 22301. This culture has manifested itself in our products and services, namely our proprietary platform. Case in point, using our platform affords Lightico's customers the peace of mind to know that any data transmitted via our platform is maintained by standards focused on reliability, integrity, availability, and authenticity. Lightico provides file-level encryption (AES256 standards / 256-bit SSL) together with ISO 27001 certified and SSAE 16 audited data centers. Our platform offers various forms of multi-factor authentication (e.g., SMS authentication, KBA, OTP, face verification, ID verification, and knowledge-based authentication), as well as non-repudiation functionality such as digital audit trail and chain of custody. Finally, we use SHA-1 hashing as our default mechanism for anonymization coupled with tamper-evident seals, but can offer X.509 electronic signatures for those customers that insist on higher standards. Being that Lightico is a business associate within the HIPAA paradigm, we regularly execute BAAs together with customer service agreements for those covered-entity customers who will or are likely to transmit PHI to Lightico's platform, as mandated by HIPAA.

### About Lightico

Lightico's platform for digital customer interactions empowers businesses to collect forms, documents, e-signatures, photos, payments, consent to disclosures and to verify ID instantly, even while they have customers on the phone.

By simplifying customer interactions in the last mile of the customer journey, businesses make it easier for their customers to be their customers, earning their trust and loyalty, translating to higher profits.

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