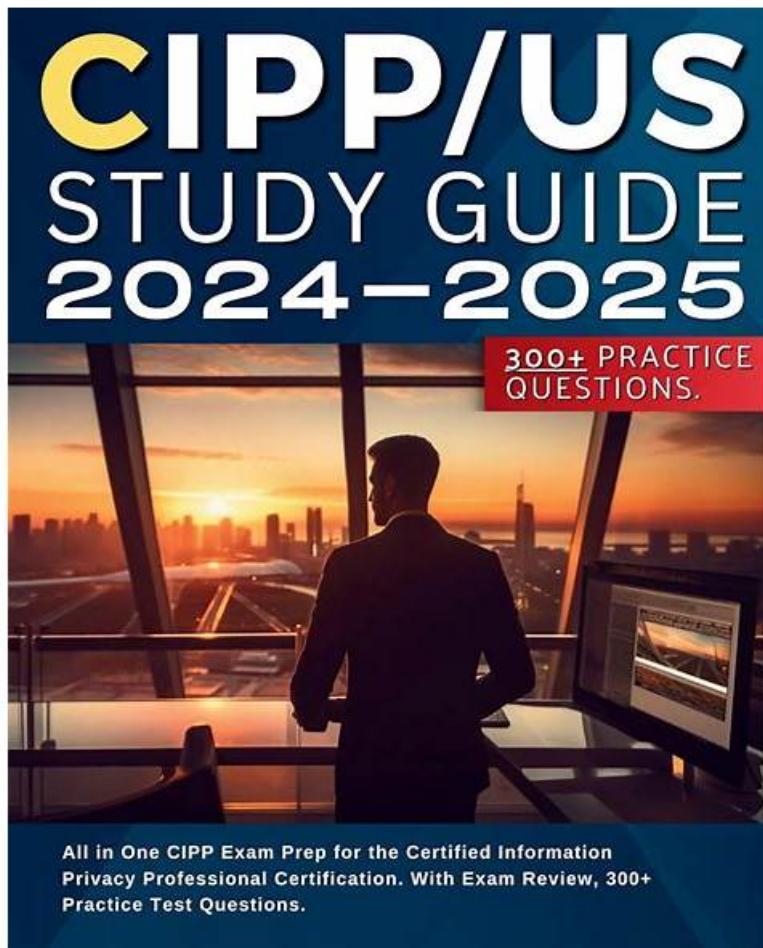


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NEW QUESTION # 125

SCENARIO

Please use the following to answer the next question:

Miraculous Healthcare is a large medical practice with multiple locations in California and Nevada. Miraculous normally treats patients in person, but has recently decided to start offering telehealth appointments, where patients can have virtual appointments with on-site doctors via a phone app.

For this new initiative, Miraculous is considering a product built by MedApps, a company that makes quality telehealth apps for healthcare practices and licenses them to be used with the practices' branding. MedApps provides technical support for the app, which it hosts in the cloud.

MedApps also offers an optional benchmarking service for providers who wish to compare their practice to others using the service. Riya is the Privacy Officer at Miraculous, responsible for the practice's compliance with HIPAA and other applicable laws, and she works with the Miraculous procurement team to get vendor agreements in place. She occasionally assists procurement in vetting vendors and inquiring about their own compliance practices, as well as negotiating the terms of vendor agreements. Riya is currently reviewing the suitability of the MedApps app from a privacy perspective.

Riya has also been asked by the Miraculous Healthcare business operations team to review the MedApps' optional benchmarking service. Of particular concern is the requirement that Miraculous Healthcare upload information about the appointments to a portal hosted by MedApps.

What HIPAA compliance issue would Miraculous have to consider before using the telehealth app?

- A. HIPAA would require Miraculous to obtain patient consent before in-person appointment data can be shared with third parties.
- B. **HIPAA would require Miraculous and MedApps to enter into a Business Associate Agreement.**
- C. HIPAA does not permit healthcare providers to use cloud hosting services.
- D. HIPAA does not permit in-person appointment data to be hosted in the cloud.

Answer: B

Explanation:

According to HIPAA, a business associate is a person or entity that performs certain functions or activities that involve the use or disclosure of protected health information (PHI) on behalf of, or provides services to, a covered entity. A business associate agreement (BAA) is a written contract between a covered entity and a business associate that establishes the permitted and required uses and disclosures of PHI by the business associate, as well as the safeguards that the business associate must implement to protect the PHI. In this scenario, MedApps is a business associate of Miraculous, since it provides a telehealth app that involves the use or disclosure of PHI on behalf of Miraculous. Therefore, HIPAA would require Miraculous and MedApps to enter into a BAA before using the telehealth app.

NEW QUESTION # 126

A law enforcement subpoenas the ACME telecommunications company for access to text message records of a person suspected of planning a terrorist attack. The company had previously encrypted its text message records so that only the suspect could access this data.

What law did ACME violate by designing the service to prevent access to the information by a law enforcement agency?

- A. **CALEA**
- B. ECPA
- C. SCA
- D. USA Freedom Act

Answer: A

Explanation:

The law that ACME violated by designing the service to prevent access to the information by a law enforcement agency is the Communications Assistance for Law Enforcement Act (CALEA).

CALEA is a federal law that requires telecommunications carriers and manufacturers of telecommunications equipment to design their equipment, facilities, and services to ensure that they have the necessary surveillance capabilities to comply with legal requests for interception of communications. CALEA applies to all commercial messages, including text messages, and gives law enforcement agencies the authority to subpoena the records of such communications from the service providers. By encrypting its text message records so that only the suspect could access this data, ACME violated CALEA's duty to cooperate in the interception of communications for law enforcement purposes.

NEW QUESTION # 127

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