including financial and reputational harm as well as consideration of the financial circumstances of the person who violated the breach (Health Privacy Records, 2005).

Additionally, the final rule defines other areas of compliance including the individual’s right to receive information, additional requirements to privacy notes, use of genetic information (Ethics and the brave new world of e-Health, 2002).

When HIPPA applies to Mobile

The Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security, and Breach Notification Rules can be a daunting challenge. Sometimes, the biggest question facing mobile application developers is not how to comply with (or make sure users are complying with) HIPAA, but rather whether HIPAA even applies (Health Privacy Records, 2005). To understand whether software falls under the HIPAA rules, a developer must answer two questions: (1) Who will be using the application, and (2) What information will be on the application?

The HIPAA Rules only apply to HIPAA “covered entities” and their “business associates.” They do not apply to health care consumers or to other types of entities (Ethics and the brave new world of e-Health, 2002). Covered entities include health plans (including employer-sponsored group health plans), entities known as health care clearinghouses (which convert health care claims and other administrative transactions into or from a standard format), and health care providers but only if the health providers electronically conduct certain transactions, such as submitting claims to health plans electronically (Health Privacy Records, 2005). A business associate is an entity that handles “protected health information” on a covered entity’s behalf, such as a health information exchange organization sharing health