

The Ethical Implications of HIPAA

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The Health Insurance Portability and Accountability Act, also known as HIPAA, is one of the most important and foundation data protection laws in the United States. It was enacted in 1996 to help protect people's private health information and made healthcare data more secure as the switch to digital and internet devices we are emerging. Although HIPAA is primarily used in the healthcare industry, it carries larger ethical questions encompassing areas such as privacy, individual rights, and the usage of data governments and corporations are allowed to use. The ethical implications of HIPAA focus on protecting people's privacy but also balancing other key components like innovation, efficiency and research in modern healthcare systems.

HIPAA's main ethical point is that it protects people's right to personal and privacy control over their medical information. Prior to the enactment of HIPAA, there were few defined laws that stopped hospital organizations and insurance companies from misusing or sharing private health data. The law allowed for the patients to have more control on who could access their data and private information, and by doing so set a federal standard for confidentiality, this protection of privacy and autonomy is one of the strongest ethical positives of HIPAA. (Buchovich, Rippen, and Rozen, 1999) HIPAA cleared the path for a definitive line of how health systems should operate following Confidentiality Integrity and Availability, also known as the CIA Triad. This also created a foundation of transparency and trust between the public and these medical institutions.

However, not everything about HIPAA is perfect. One major issue is that having such a restricting regulation may slow down the progress and innovation of medical research. (Ness, 2007) explains that researchers find it harder to access health data for research and innovation programs because of the law limiting access to health data. This causes issues for those testing new treatment or developing new technologies that can help people. Laws protecting people

come at a cost, and the same thing is happening with what we are currently seeing the race for AI. Healthcare organizations and smaller business owners may also face larger administrative and financial burdens trying to meet and uphold these compliance standards. This creates an entombment where too many regulations can help people but effect companies and profits, and these leads to the ethical tension between protection privacy and innovating.

Another ethical concern with HIPAA is during times of emergencies and drastic technology changes. During the Covid-19 Pandemic HIPAA regulations needed to be modified to allow options like telehealth and other remote based services available. According to (Cohen, Mello, Gostin, 2020), these changes are what allowed the healthcare industry to be able to adapt quicker, but it raised concern over how much privacy is traded off for public health. There was also a large issue at the time about contact tracing and vaccine data. People were worried that their information might be misused or sold. There was also a similar issue in the overturn of Roe v. Wade as it involved digital records and data locations where people were concerned that their data would be used to track and block those seeking medical attention. These events show that HIPAA is important to protect individual private rights, but when issues are critical or fast moving the ethical line becomes more of a grey zone.

When looking at rights, HIPAA is made to protect but also at the cost of limiting others. These protected rights are a foundation of privacy, autonomy, and consent over personal data. On the other side of the dilemma, it limits access to information and can cause a stagnant innovative environment, and this is an issue for others researching medically for the greater good. These two sides create a constant ethical debate between personal rights and collective public progress. (Annas, 2003) points out that HIPAA's main challenge is finding a balance between people's

individual privacy and the never ending growth of digital efficiency. Now with AI in the mix it makes this even harder to define the regulations and the trade offs

Overall, when it comes to HIPAA the cybersecurity is never simple due to the different variables that need to be taken account of. HIPAA protects people's personal health data while maintaining trust between health organizations and insurance companies but limits and discourages innovation. This is a prime example of how cybersecurity policies and policies in general will benefit one group of people while others are negatively impacted. HIPAA creates a solid foundation for a slow and steady progressive policy, but the challenge we face is with a technology dependent society and growth of new technologies like AI. Policies like HIPAA will need to evolve and adapt to modern standards ensuring a fair and balanced policy on how people live and share information protectively.

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