



JULY 2009

### Enforcement of Red Flags Rule Has Been Delayed

Under the Federal Trade Commission's (FTC) Red Flags Rule, health care entities that qualify as creditors and maintain certain covered accounts were originally required to have a written identity theft prevention program that detects, prevents, and mitigates identity theft by November 1, 2008. The FTC has already delayed its enforcement of the Red Flags Rule twice. The first delay extended the enforcement date to May 1, 2009, and the second delay extended the enforcement date to August 1, 2009. The FTC just announced that it has once again delayed its enforcement of the Red Flags Rule until November 1, 2009. Moreover, in addition to extending the enforcement date, the FTC will be issuing additional resources and guidance to assist small businesses and other low-risk entities in determining their obligations under the Red Flags Rule. Such resources and guidance will be available at [www.ftc.gov/redflagsrule](http://www.ftc.gov/redflagsrule).

If you have any questions as to whether your health care entity qualifies as a creditor and maintains covered accounts, or need assistance with creating an identity theft prevention program that complies with the Red Flags Rule, please contact any member of Robinson & Cole's Health Law Group.

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#### ***Robinson & Cole's Health Law Group includes:***

[Lisa M. Boyle](#)

[Theodore J. Tucci](#)

[Michael J. Kolosky](#)

[Karen P. Conway](#)

[B. Moses Vargas](#)

[Brian D. Nichols](#)

[Susan E. Roberts](#)

[Kimberly E. Troland](#)

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