United States Department of
Health & Human Services

Office of the Secretary
Office for Civil Rights (OCR)

HIPAA Security Rule and HITECH Breach Notification Trends in Enforcement Activity

Nineteenth HIPAA Summit
March 9, 2011

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Topics

- How OCR Enforces the HIPAA Security Rule
- HIPAA Security Rule Enforcement Recap
- HITECH Breach Notification Recap
- Some Lessons Learned

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How OCR Enforces the HIPAA Security Rule

Complaints Alleging a Violation

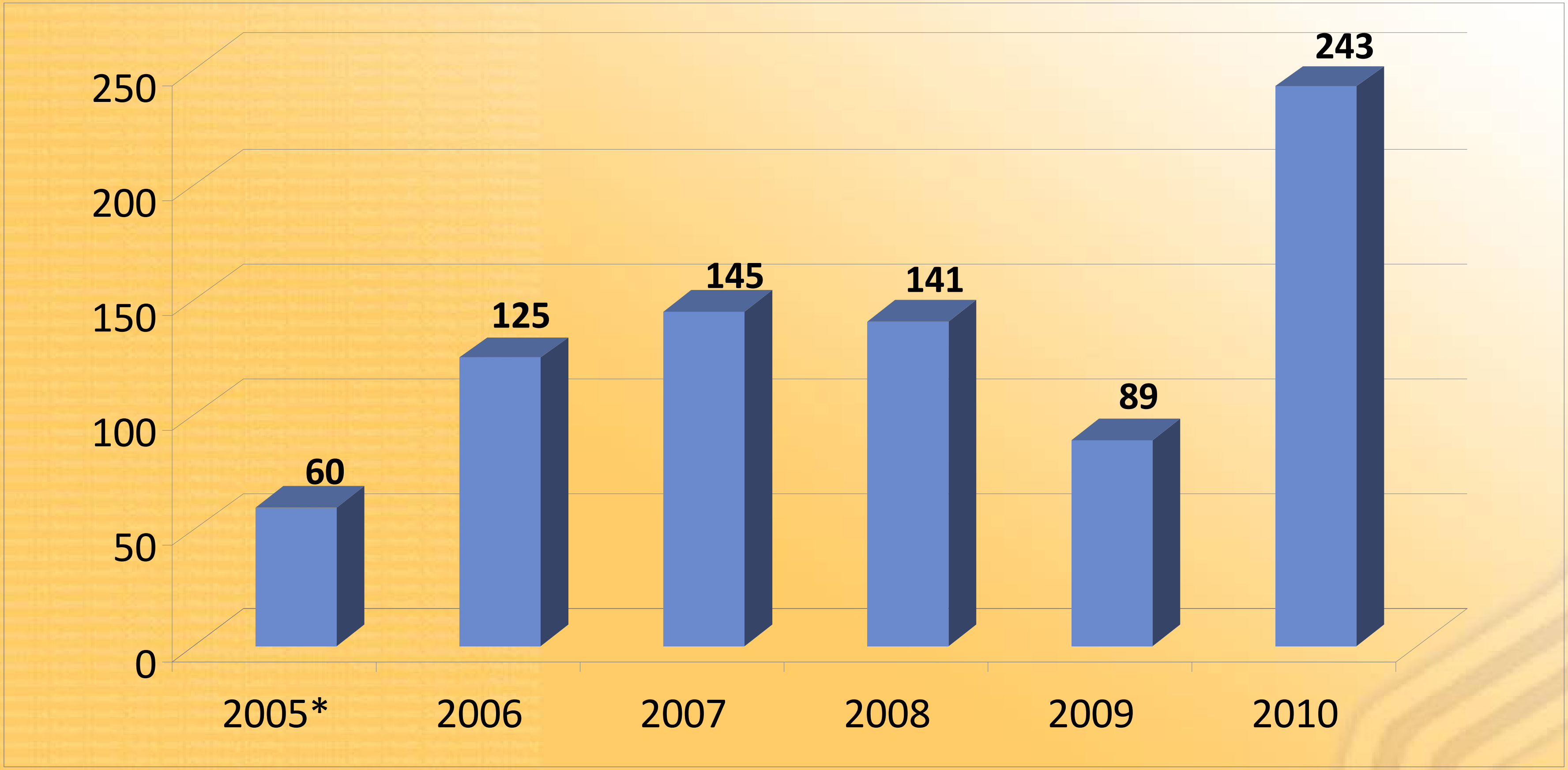
- Every complaint received by OCR is reviewed & analyzed
- An investigation is launched if the facts and circumstances alleged indicate a failure to comply
- Complaints that allege violations under more than one of OCR's authorities (e.g., privacy, security, or breach notification rules) will be investigated as a single case

Compliance Reviews

- Reviews policies and procedures of a covered entity to determine compliance with the health information privacy rules
- OCR initiates when a media report or information from another agency reports a failure to safeguard PHI or other indication of noncompliance with the HIP rules
- OCR initiates a review in all breach reports of >500 made to HHS

HIPAA Security Rule Enforcement Activity

Security Complaints & Reviews Opened



* Partial Year

Security Rule delegated to OCR July 27, 2009

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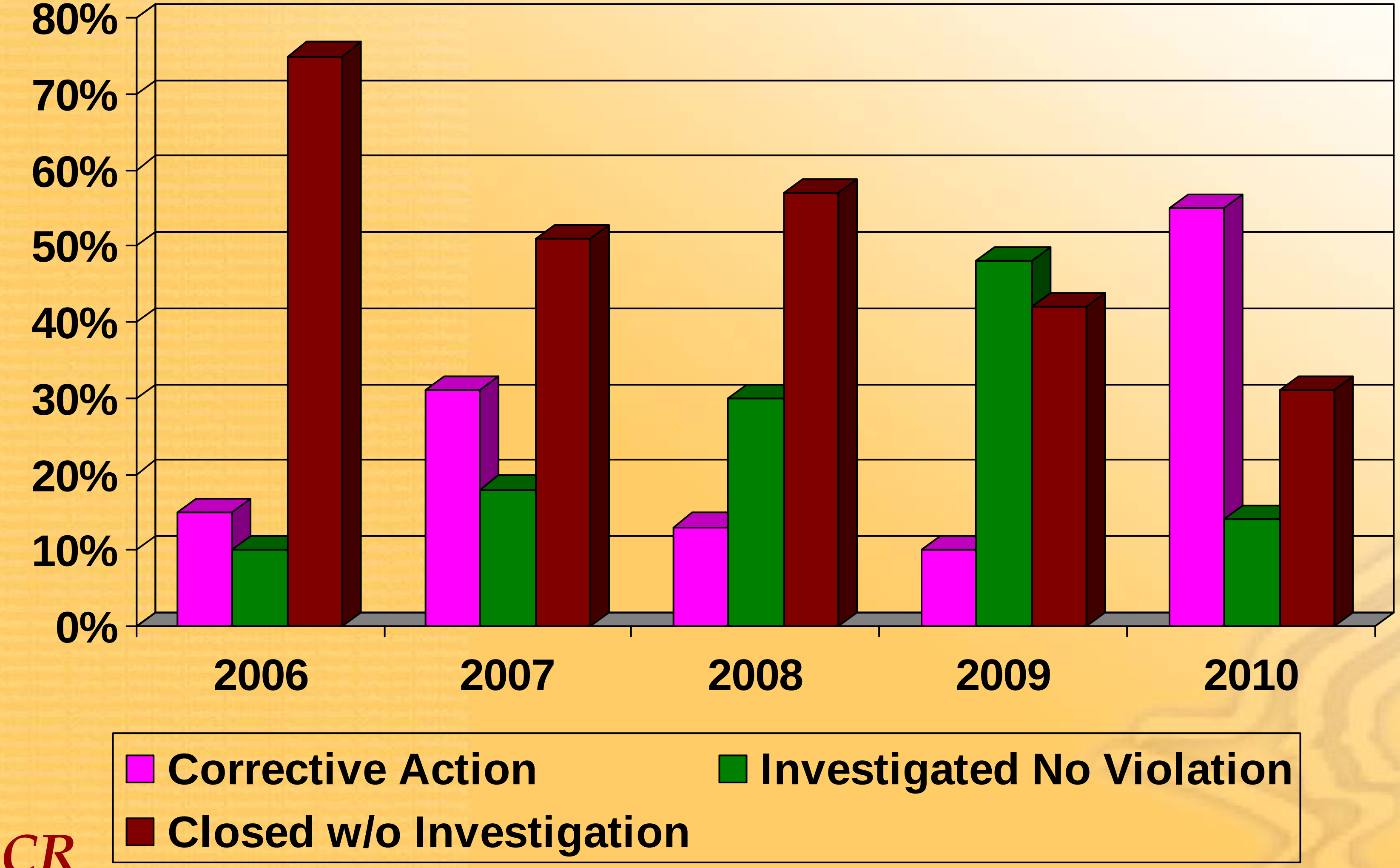
Security Complaints & Reviews Resolved

	2005	2006	2007	2008	2009	2010	TOTAL
Corrective Action	**0**	**9**	**41**	**21**	**9**	**70**	**150**
Investigated and No Violation Found	**0**	**6**	**24**	**50**	**41**	**18**	**139**
Closed Without Investigation	**7**	**44**	**68**	**93**	**36**	**40**	**287**
TOTAL:	***7***	***59***	***133***	***164***	***86***	***128***	***577***

Security Rule delegated to OCR July 27, 2009

Security Closures by Type



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Most Frequent Security Rule Issues

Standard or Specification	Type of Safeguard	Count
Response and Reporting (R) §164.308(a)(6)(ii)	Administrative	179
Awareness & Training §164.308(a)(5)(i)	Administrative	144
Access Control §164.312(a)(1)	Technical	141
Information Access Management §164.308(a)(4)(i)	Administrative	126
Workstation Security §164.310(c)	Physical	84

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HITECH Breach Notification Rule Reports and Trends

Breach Notification Highlights

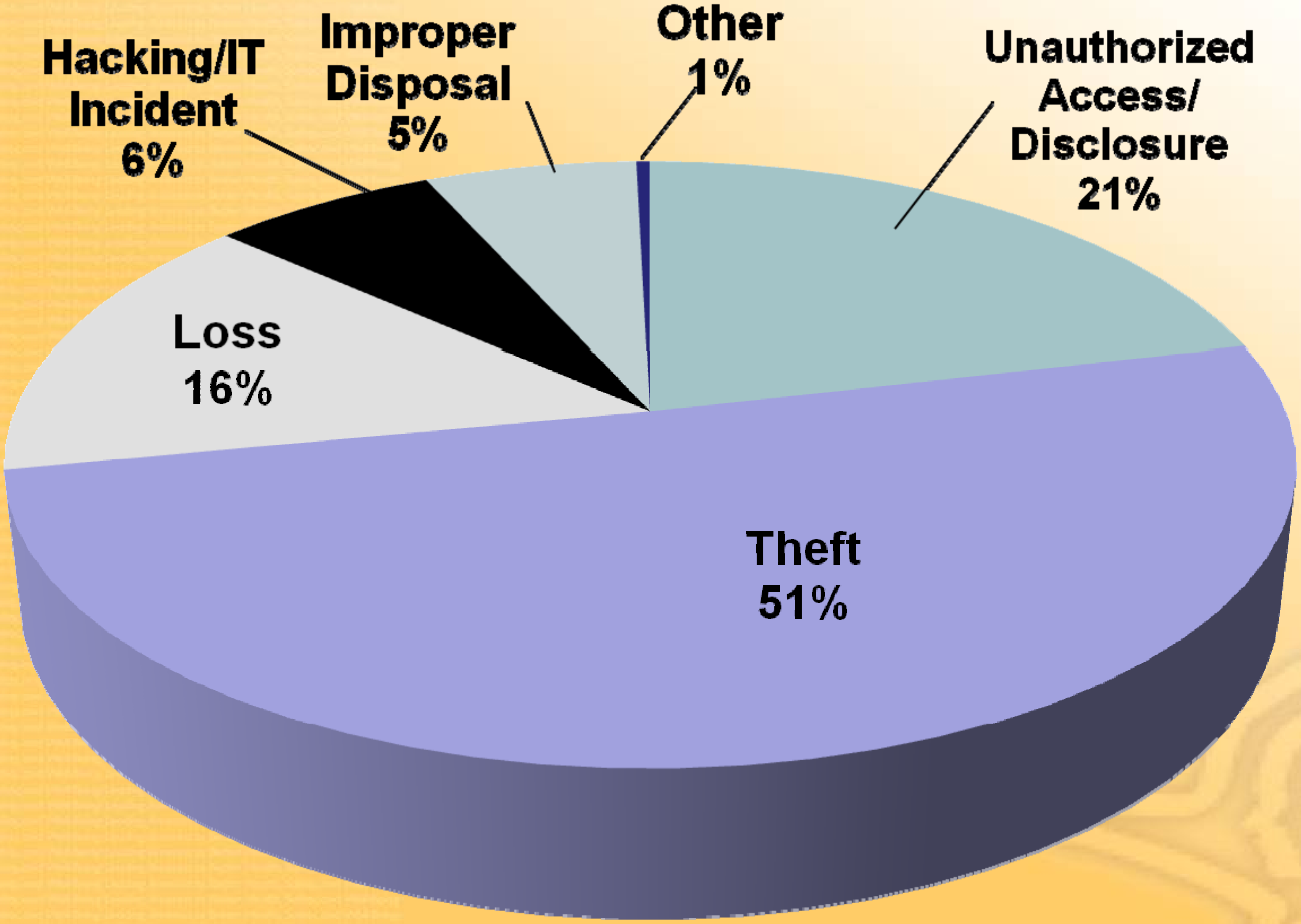
September 2009 through December 2010

- 221 reports involving a breach of over 500 individuals
  - Theft and Loss are 67% of large breaches
  - Laptops and other portable storage devices account for 38% of large breaches
  - Paper records are 21% of large breaches

- 14,000+ reports of breaches of under 500 individuals

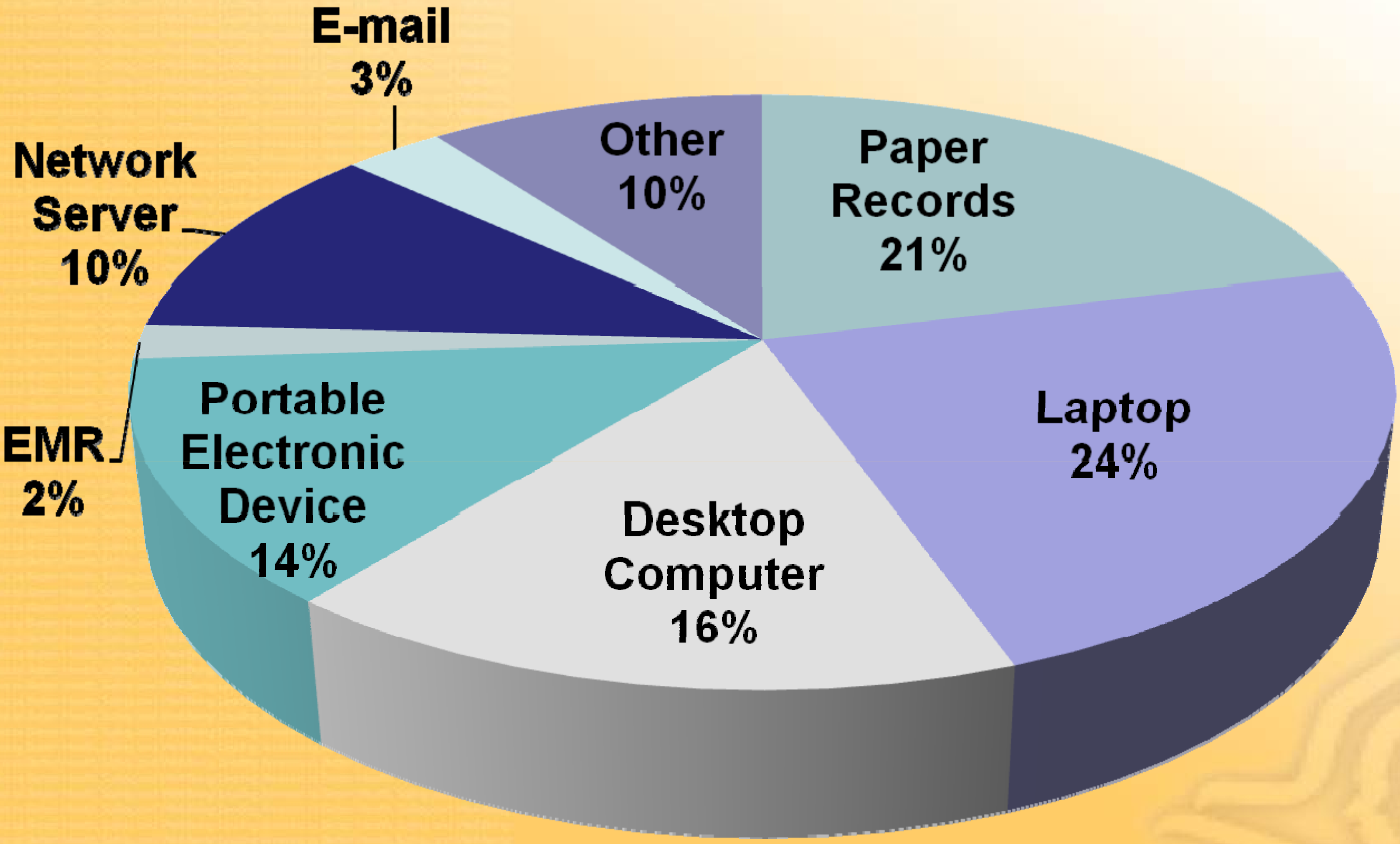
Breach Notification:

500+ Breaches by Type of Breach



Breach Notification:

500+ Breaches by Location of Breach



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Lessons Learned

- Reduce risk through network or enterprise storage as alternative to local devices
- Encryption of data at rest on any desktop or portable device/media storing EPHI
- Clear and well documented administrative and physical safeguards on the storage devices and media which handle EPHI
- Raise the security awareness of workforce members to promote good data stewardship

Want More Information?

The OCR website, http://www.hhs.gov/ocr/privacy/ offers a wide range of helpful information about health information privacy including educational information, FAQ’s, rule text and guidance for the Privacy, Security, and Breach Notification Rules.