

Twenty First National HIPAA Summit

February 19, 2013



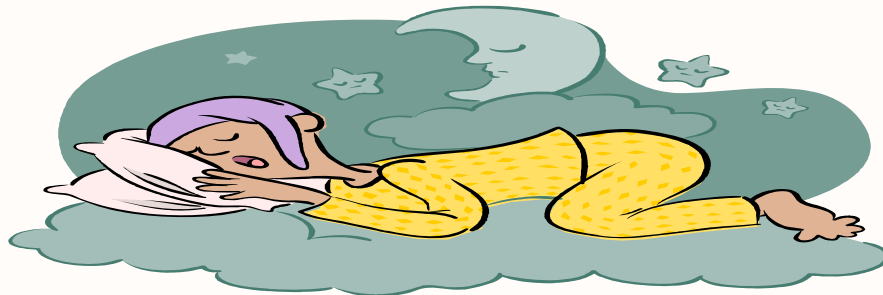
No More Waiting, a Business Associate's Perspective

Rebecca Fayed, Esq., Associate General Counsel & Privacy Officer, The Advisory Board Company

Sharon Anolik, Esq., CIPP, Vice President & Global Privacy Risk and Strategy Leader, McKesson Corporation

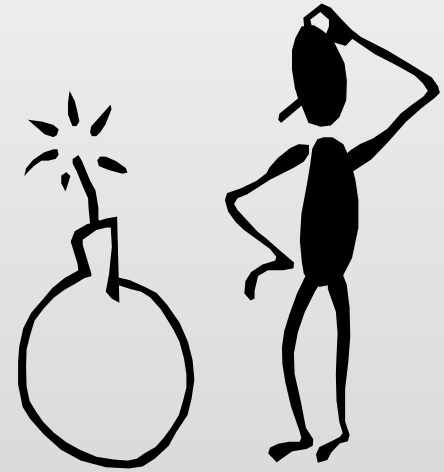
That Was Then ...

- ❑ 1996-2005: HIPAA + HIPAA Privacy Rule + HIPAA Security Rule =
 - ✓ Covered entities developing and implementing privacy and security compliance programs.
 - ✓ Entering into BA agreements.
- ❑ 2006-2008: Little Enforcement + Minimal Penalties = Perception of Low Risk and Decreased Focus



... This Is Now: 2009 and Beyond

- ❑ HITECH Act
- ❑ Omnibus Rule (!!!)
 - ✓ Additional Obligations
 - ✓ Additional Liability
 - ✓ Additional Enforcement
- ❑ New Challenges: New Technologies (mobile devices),
New industry participants (ACOs, HIEs, cloud computing providers)



**Key Question: How can a BA
NOT be a covered entity's
Achilles Heel?**

Wait No Longer - You Won the All Access Pass!

We'll share with you the secret sauce of responsible Business Associates and the nitty gritty of their compliance programs...



Some Elements of an Effective Privacy and Security Compliance Program

- 1 Comprehensive and Effective Set of Policies and Procedures
- 2 Privacy and Information Security Officer(s)
- 3 Comprehensive Training & Toolkits
- 4 Risk Analysis, Monitoring & Audit Preparation
- 5 Complaint/Incident Reporting and Investigation
- 6 Due Diligence of Business Partners



Additional Controls

- 1  Culture of Compliance: Buy-In from Top to Bottom
- 2  Key Internal Relationships
- 3  Focus on Workflow Management
- 4  Reduce Security Risks
- 5  Privacy & Security Liability Insurance
- 6  Open Door for Compliance Questions





Questions?

Thank you!

Sharon Anolik, Esq.

**Vice President &
Global Privacy Risk & Strategy Leader
McKesson Corporation**



sharon.anolik@mckesson.com

Rebecca Fayed, Esq.

**Associate General Counsel &
Privacy Officer
The Advisory Board Company**



fayedr@advisory.com