

Update from the HHS Office for Civil Rights

Timothy Noonan
Deputy Director for Health Information Privacy
HHS Office for Civil Rights

The 29th National HIPAA Summit
March 3, 2020



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office for Civil Rights



2019-2020 OCR HIPAA Policy Highlights

- Business Associate Liability Fact Sheet
- HIPAA FERPA Joint Guidance
- Novel Coronavirus Bulletin

Business Associate Liability Fact Sheet

- Easily accessible fact sheet
- States what provisions of the HIPAA Rules apply directly to Business Associates

<https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/business-associates/factsheet/index.html>

HIPAA and FERPA Joint Guidance

- Explains when HIPAA or FERPA applies to records maintained on students
- Provides clarity on when disclosures of protected health information can be made without a HIPAA authorization
- Dispels myths that HIPAA prohibits the sharing of health information in emergencies
- <https://www.hhs.gov/sites/default/files/2019-hipaa-ferpa-joint-guidance-508.pdf>

HIPAA Privacy and Novel Coronavirus

- Highlights how PHI may be shared without a HIPAA authorization
- Cautions against disclosures to the media
- Reminders about the minimum necessary standard and application of reasonable safeguards

<https://www.hhs.gov/sites/default/files/february-2020-hipaa-and-novel-coronavirus.pdf>

OCR HIPAA Policy Priorities

Regulatory Sprint to Coordinated Care

- Promoting information sharing for care coordination
- Promoting parental and caregiver involvement and addressing the Opioid Crisis and Serious Mental Illness
- Reducing regulatory burdens

Surprise billing

- Executive Order for rulemaking on patient access to expected out of pocket costs
- Listening sessions with industry stakeholders
- OCR part of Administration-wide effort to find solutions

2019 Enforcement Actions

4/2019	Touchstone Medical Imaging	\$3,000,000
4/2019	Medical Informatics Engineering	\$100,000
9/2019	Bayfront Health St. Petersburg	\$85,000
9/2019	Elite Dental Associates	\$10,000
10/2019	Jackson Health System (CMP)	\$2,154,000
10/2019	Texas Health and Human Services Commission (CMP)	\$1,600,000
10/2019	University of Rochester Medical Center	\$3,000,000
11/2019	Sentara Hospitals	\$2,175,000
12/2019	Korunda Medical	\$85,000
12/2019	West Georgia Ambulance	\$65,000



Today's Headlines

Modern Healthcare

LATEST NEWS INSIGHTS TRANSFORMATION

Home > Cybersecurity

February 12, 2020 12:27 PM

Nearly 438,000 patients affected in January-reported breaches

FierceHealthcare

HOSPITALS & HEALTH SYSTEMS TECH PAYER FINANCE PRACTICES REGULATORY SPECIAL REPORTS

Tech

Number of patient records breached nearly triples in 2019

by Heather Landi | Feb 20, 2020 8:10am

CYBERSECURITY NEWS

Data Breaches Will Cost Healthcare \$4B in 2019, Threats Outpace Tech

HEALTHCARE FINANCE

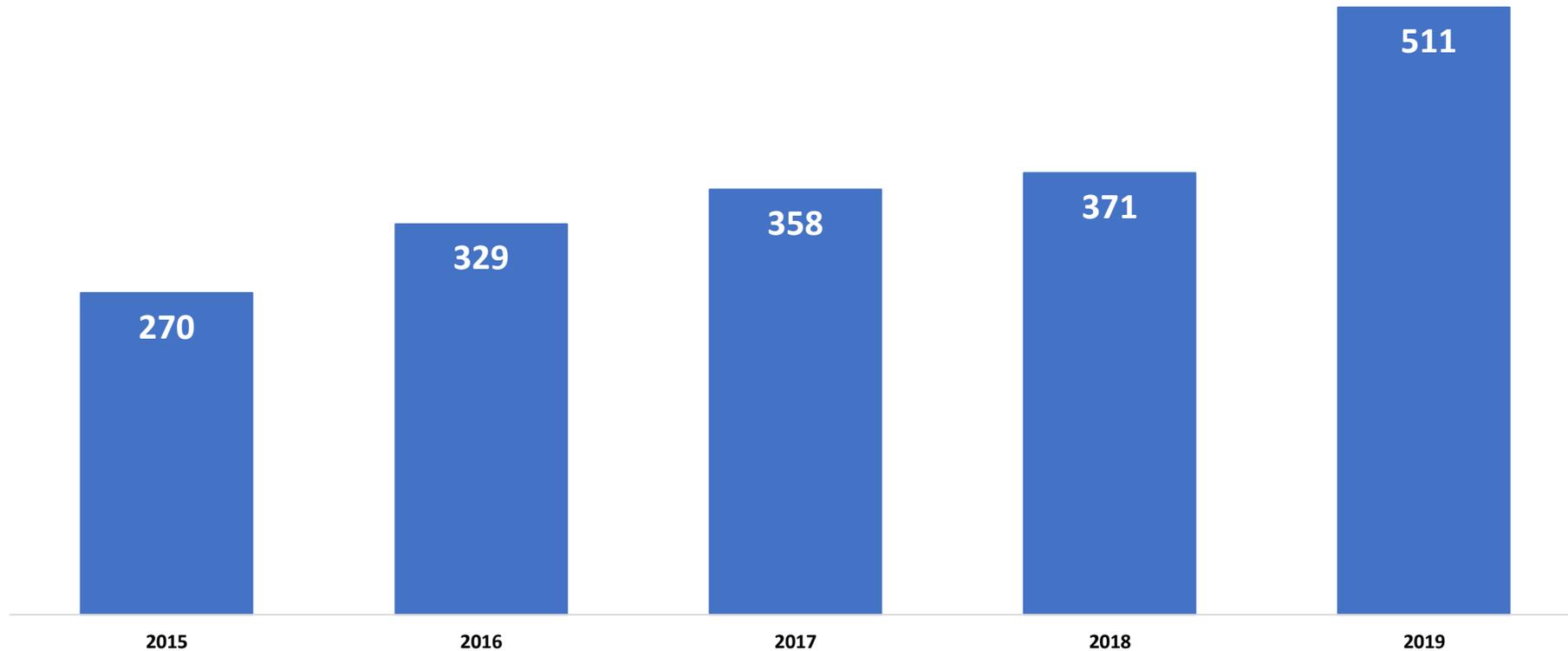
REIMBURSEMENT REVENUE CYCLE MANAGEMENT STRATEGIC PLANNING CAPITAL FINANCE

FEB 14 | MORE ON ACCOUNTING & FINANCIAL MANAGEMENT

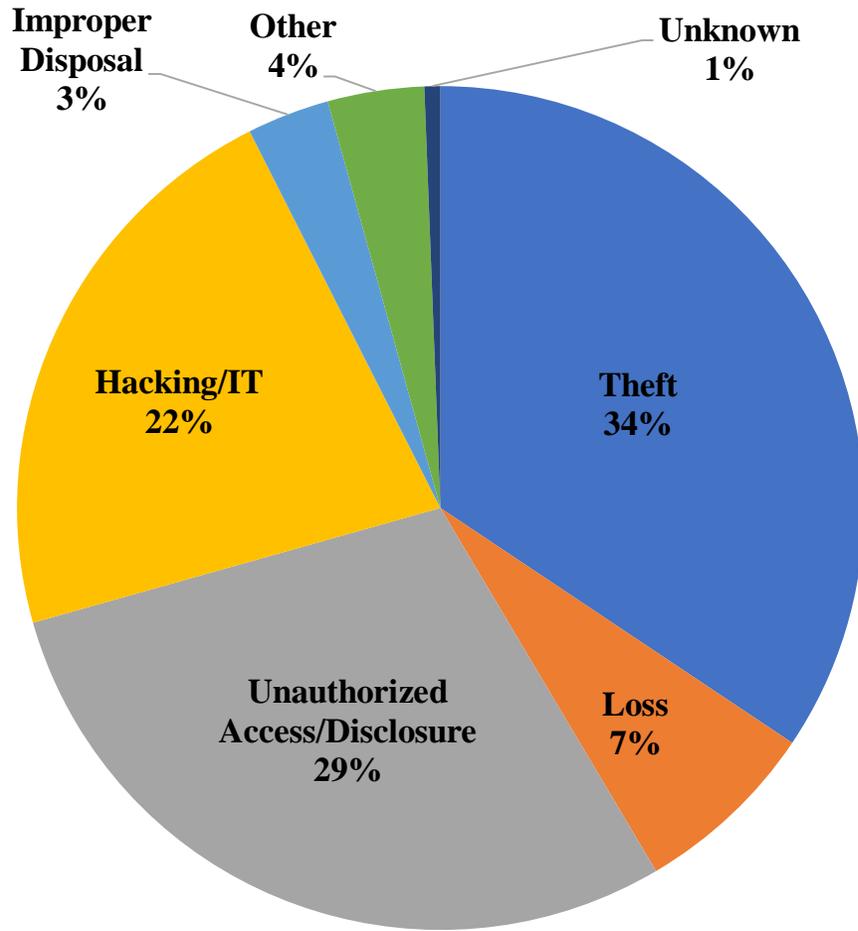
Ransomware attacks spike, costing healthcare organizations millions

Breaches Affecting 500 or More Individuals Reports Received by Year

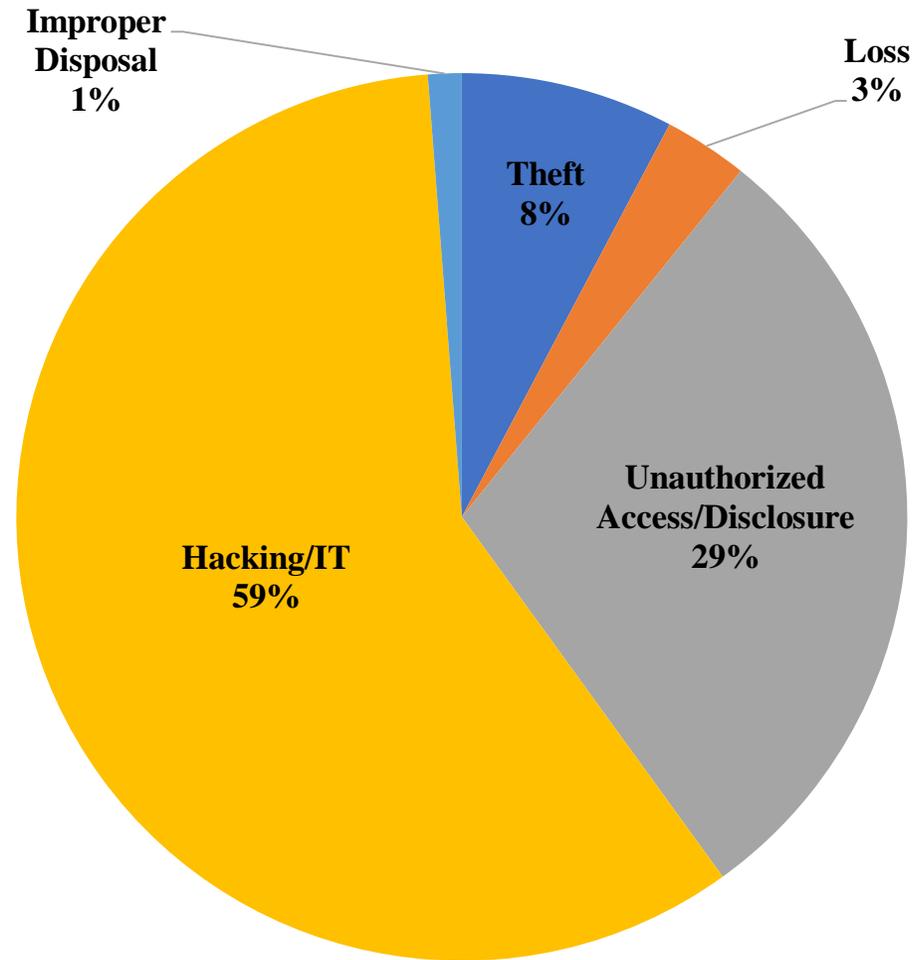
Calendar Years 2015 - 2019



500+ Breaches by Type of Breach



Sept 23, 2009 through Dec 31, 2018

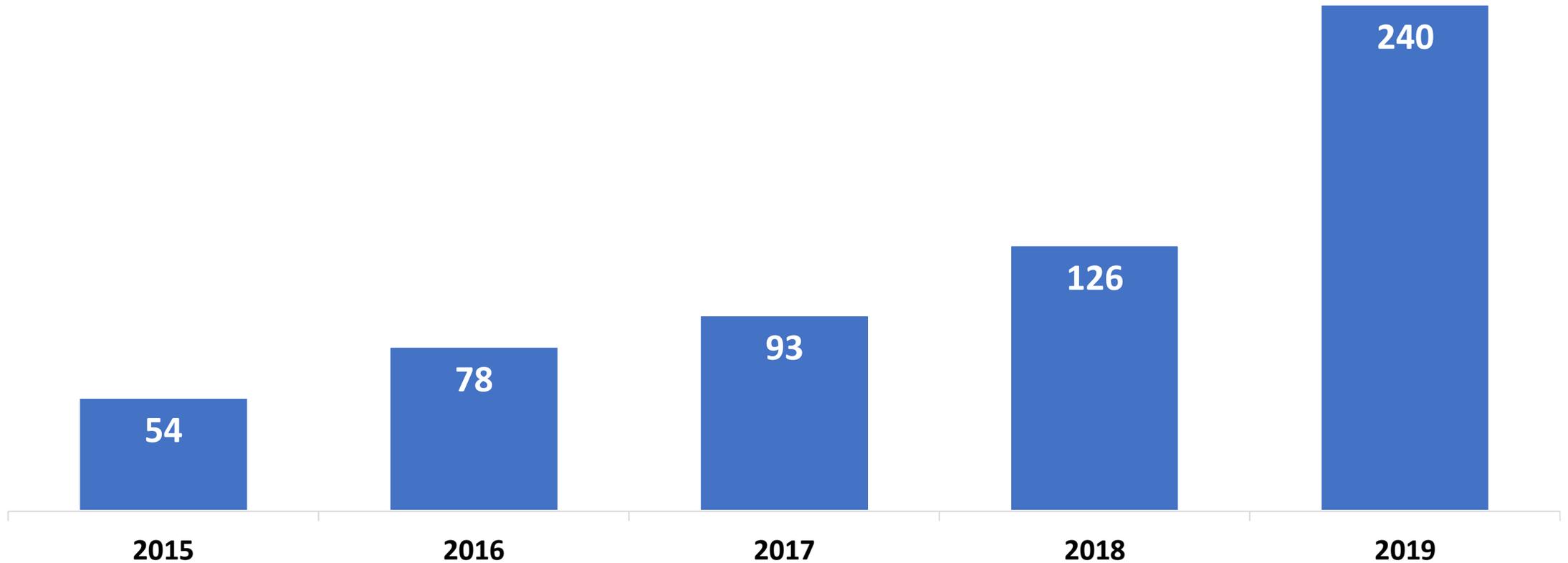


Jan 1, 2019 through December 31, 2019

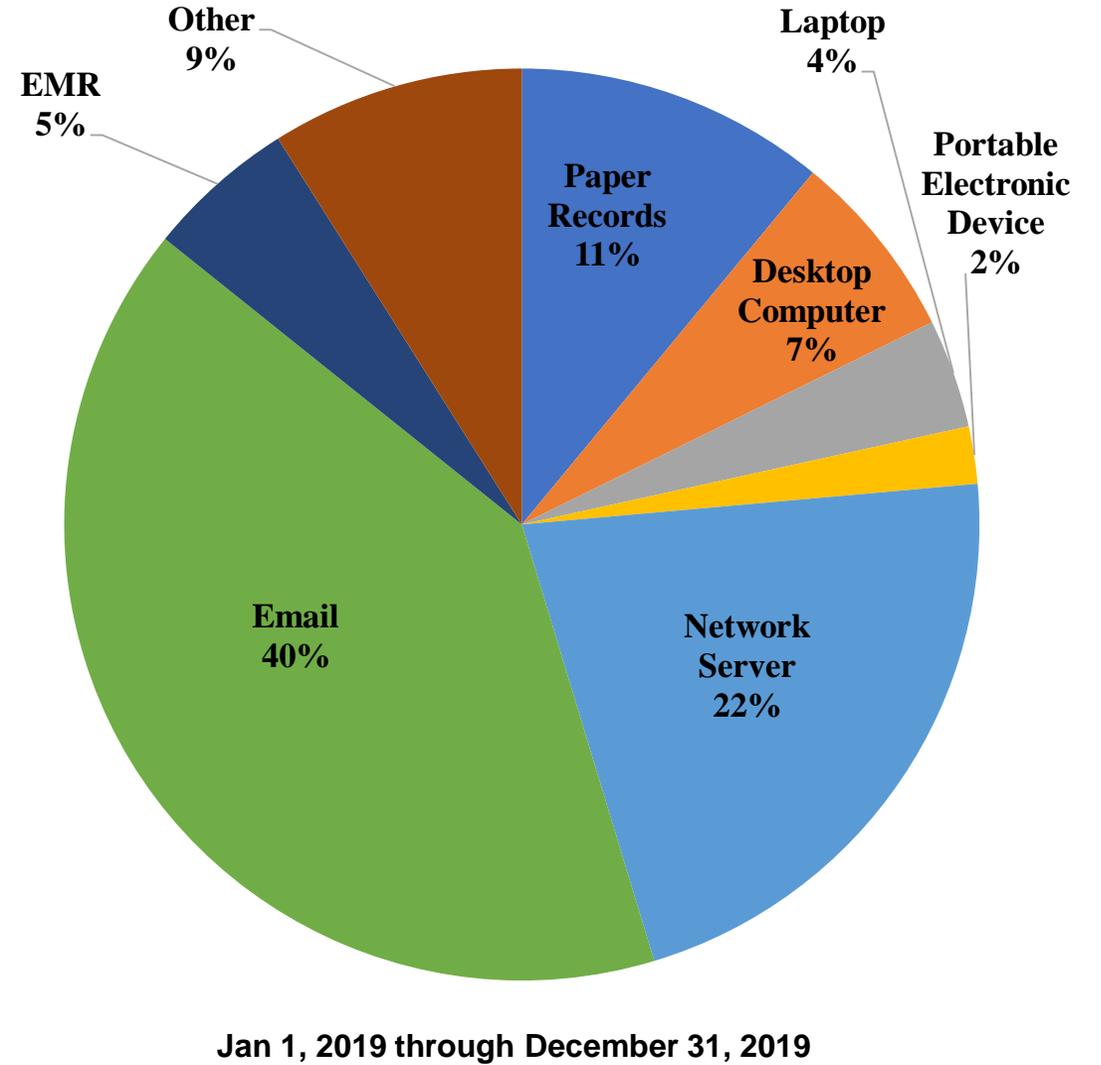
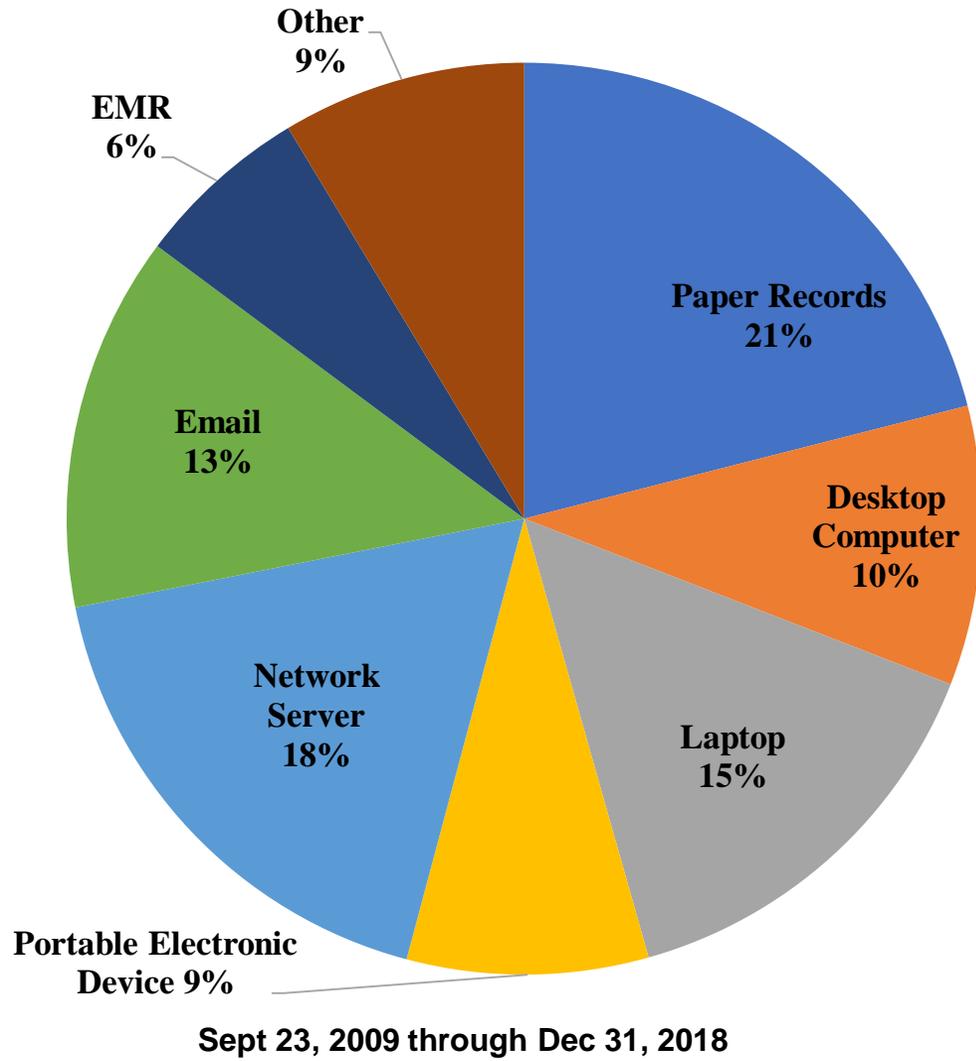


Breaches Affecting 500 or More Individuals Reports Received Involving Hacking/IT Incidents

Calendar Years 2015 - 2019

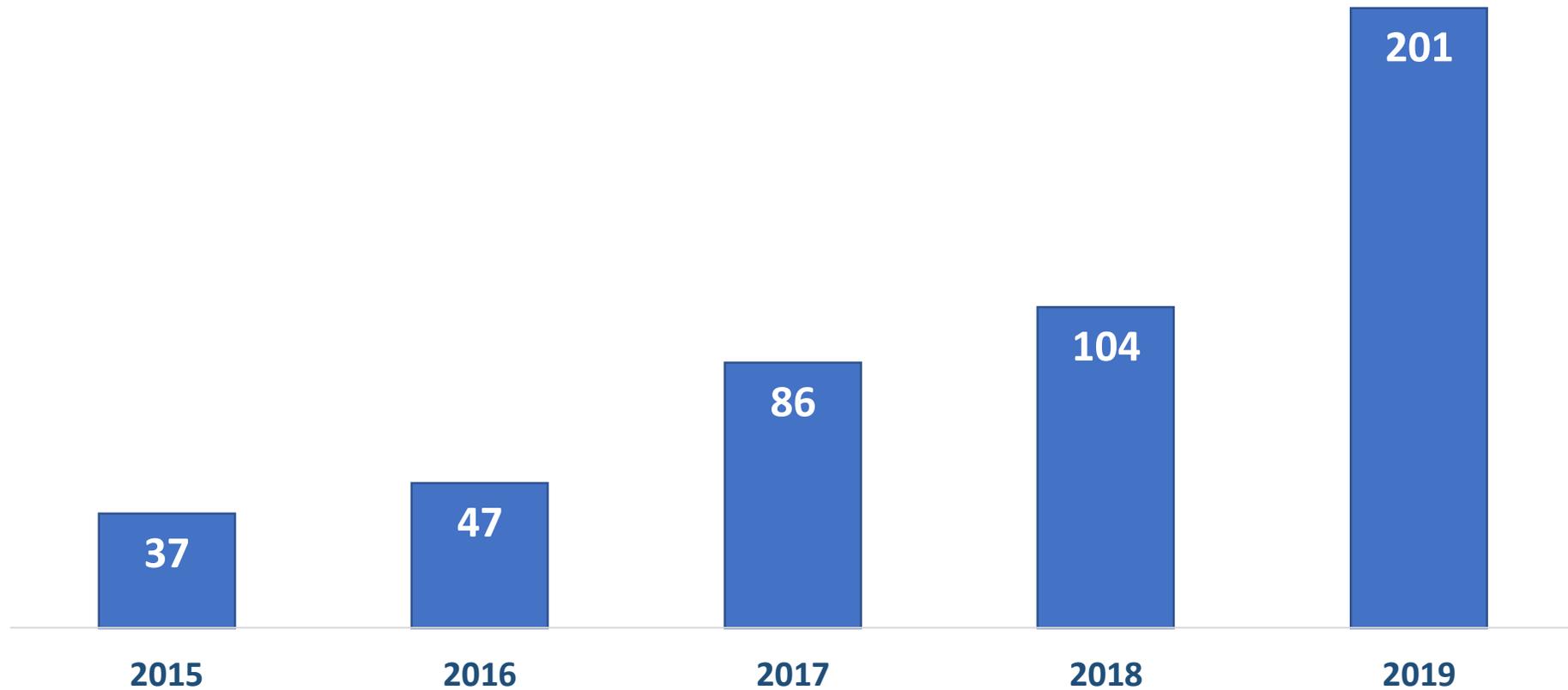


500+ Breaches by Location of Breach



Breaches Affecting 500 or More Individuals Reports Received of Breaches Involving Email Accounts

Calendar Years 2015 - 2019





Connect with Us

Office for Civil Rights

U.S. Department of Health and Human Services



www.hhs.gov/hipaa



Join our Privacy and Security listservs at

<https://www.hhs.gov/hipaa/for-professionals/list-serve/>



@HHSOCR