

Fifth National HIPAA Summit West

Welcome, Introductions, and Overview
of Key Developments in HIPAA Privacy
September 20, 2011

Adam Greene, JD, MPH

Agenda

- 1:00 pm Welcome, Introduction and Overview of Key Developments in HIPAA Privacy, *Adam Greene*
- 1:30 pm OCR Update (Keynote), *Michael Kruley & Michael Leoz*
- 2:15 pm Accounting of Disclosures, *Paul Smith*
- 3:00 pm Break
- 3:30 pm Business Associate Liability, *W. Reece Hirsch & Joseph McClure*
- 4:15 pm HIPAA Privacy Problem-Solving Roundtable, *Sharon A. Anolik, Jeff G. Jones, Joseph McClure, Lisa T. Murphy, Austin M. O'Flynn, Paul T. Smith, & Adam Greene (Moderator)*
- 5:45 pm Adjournment and Networking Reception

Housekeeping



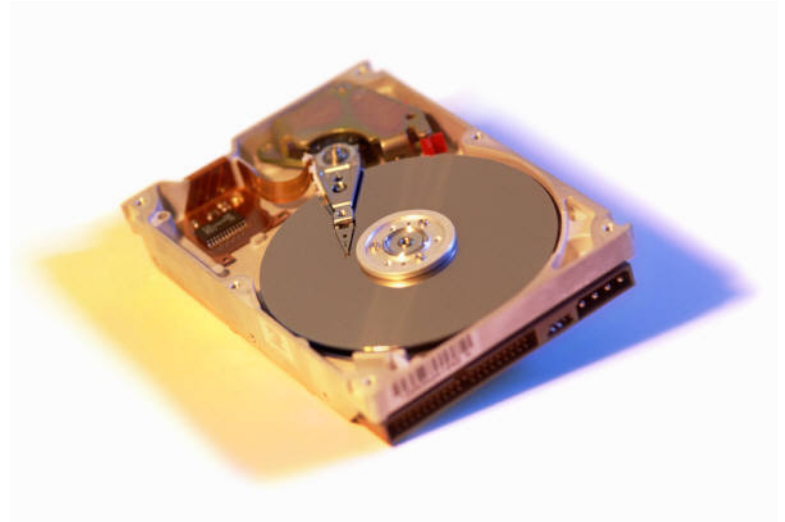
October 2010

- OCR issues first ever notice of proposed determination
 - Cignet Health Center
 - Proposes \$4.3 million civil monetary penalty (CMP)



November 2010

- Connecticut Insurance Department fines Health Net \$375,000
 - Same incident for which Connecticut AG settled for \$250,000 in July 2010



December 2010

- Resolution agreement with Management Services Organization Washington
- Rehab facility staffer fired for failing to protect Lindsay Lohan's privacy

January 2011

- Vermont Attorney General settles with Health Net for \$55,000
 - Related to 525 Vermonters
 - Same breach as \$250,000 settlement with Connecticut AG
- Requires third party auditor to review security program
- Requires reports to state regarding security practices

February 2011

- OCR issues first CMP (Cignet Health Center)
- Resolution agreement with Massachusetts General Hospital



March 2011

- HHS to issue final HIPAA rule implementing modifications pursuant to the HITECH Act (according to December 20, 2010 regulatory agenda)



April 2011

- HHS begins training state attorneys general on HIPAA enforcement
 - Four training sessions between April and June
 - To aid State Attorneys General in investigating and seeking damages for HIPAA violations that affect residents in their states.
- HHS has received over 60,000 privacy complaints

May 2011

- HHS issues proposed accounting of disclosures and access report rule
- OIG issues report critical of HHS Security Rule oversight

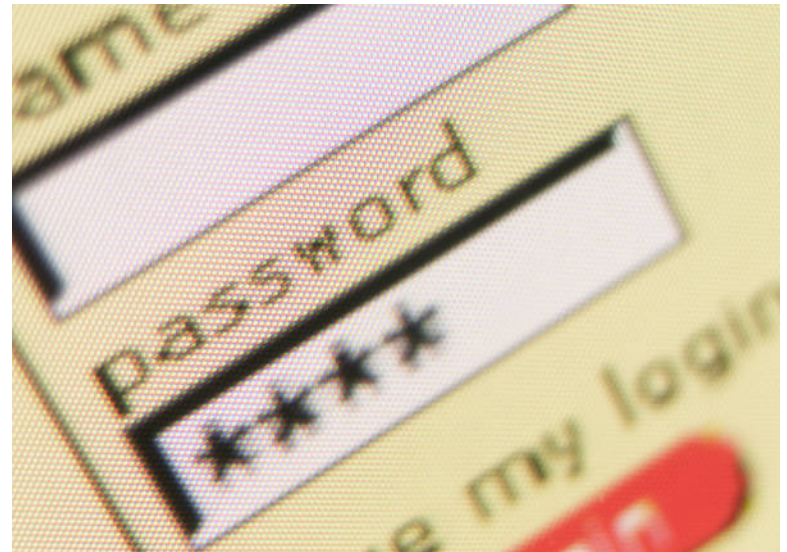


June 2011

- HHS awards two contracts related to HITECH privacy and security audits
 - \$180,000 to Booz Allen Hamilton to identify the universe of covered entities
 - \$9.2 million to KPMG to design audit protocol and conduct approximately 150 audits
 - Audits to be conducted by December 31, 2012
- Grand juries indict:
 - Dr. Richard Kaye for disclosing protected health information to former patient's employer (Eastern District of Virginia)
 - Chelsea Stewart for stealing PHI of over 4,000 patients for identity theft

July 2011

- Resolution agreement with UCLA Health System
- Wellpoint settles with Indiana Attorney General for \$100,000
 - Brought entirely under state law
 - Failure to timely notify 32,000 individuals and AG of a breach



August 2011

- Accounting of disclosures comment period closes with over 400 comments
- 15th anniversary of HIPAA



September 2011

- HHS announces Leon Rodriguez as new director of OCR
- HHS issues proposed modifications to CLIA and HIPAA rules to provide patients direct access to laboratory results
- Still waiting on the final HITECH Act rule ...