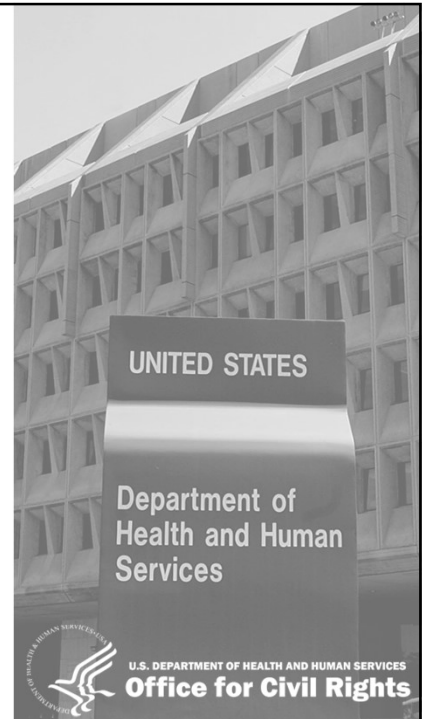


Update from the HHS Office for Civil Rights

Roger Severino, Director
HHS Office for Civil Rights
2019 HCCA Healthcare Enforcement Compliance Conference
November 5, 2019



1

OCR's Right of Access Initiative

Common Compliance Issues:

- Untimely Access;
- Unreasonable Fees;
- Form and Format;
- Validation Burdens; and
- Withholding Access for Non-Payment.

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HIPAA Regulatory Sprint

RFI asked for comments on specific areas of the HIPAA Privacy Rule, including:

- Encouraging timely information-sharing for treatment and care coordination;
- Addressing the opioid crisis and serious mental illness; and
- Changing the current signature requirement on the Notice of Privacy Practices.

3

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Surprise Billing

- On June 24, 2019, President Trump issued Executive Order 13877 which directed HHS to “solicit comment on a proposal to require healthcare providers, health insurance issuers, and self-insured group health plans to provide or facilitate access to information about expected out-of-pocket costs for items or services to patients before they receive care.”
- Listening sessions with clearinghouse, business associates, health plans, healthcare providers and consumers.

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Recent Enforcement Actions

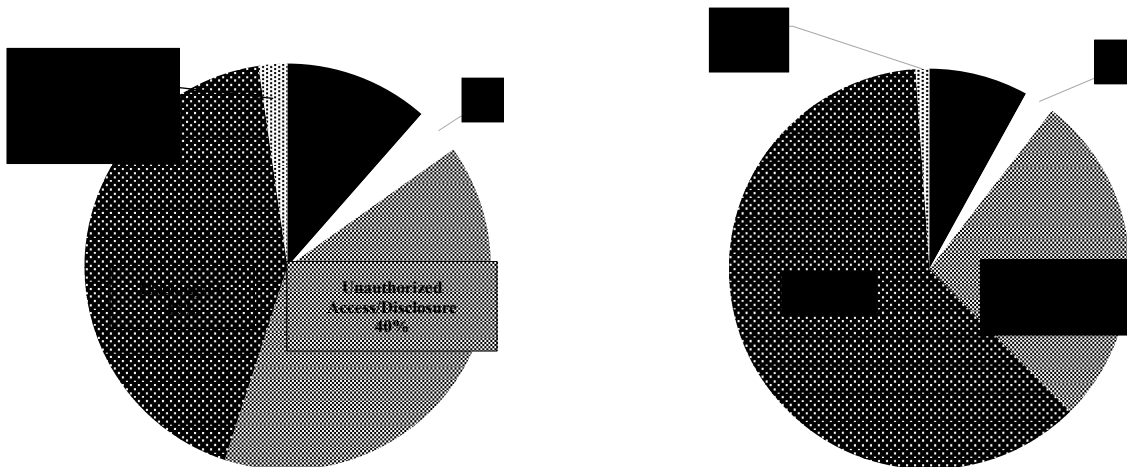
11/2018	Pagosa Springs Medical Center (access to calendar application and BAAs)	\$111,400
12/2018	Cottage Health (unsecure servers)	\$3,000,000
4/2019	Touchstone Medical Imaging (unsecure servers)	\$3,000,000
4/2019	Medical Informatics Engineering (hacked user ID and password)	\$100,000
9/2019	Bayfront Health St. Petersburg (Right of Access)	\$85,000
9/2019	Elite Dental Associates (social media)	\$10,000
10/2019	Jackson Health System (lost records, ID theft, unauthorized access)	\$2,154,000 CMP
10/2019	Texas Health and Human Services Commission (web application security)	\$1,600,000 CMP
10/2019	University of Rochester Medical Center (unencrypted mobile devices)	\$3,000,000

Total: \$13,060,400

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500+ Breaches by Type of Breach



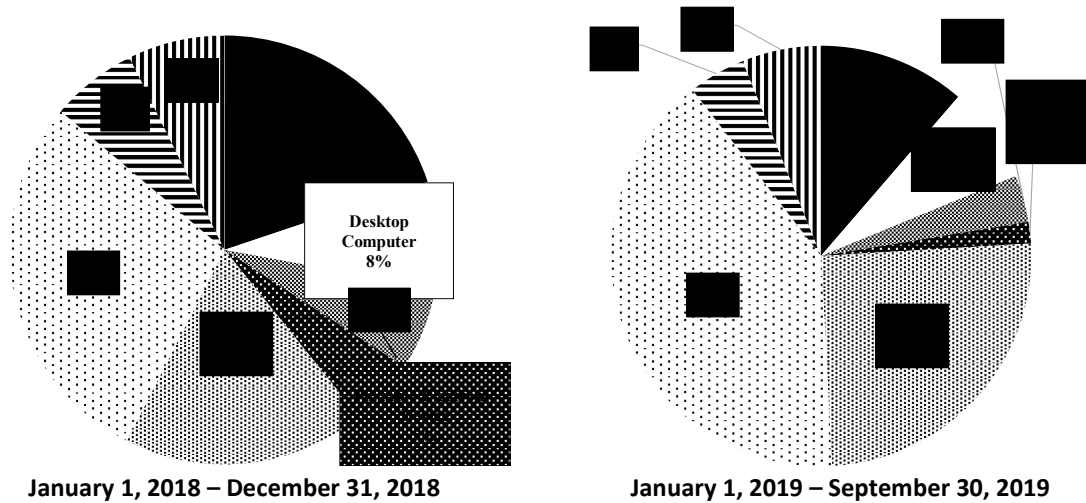
January 1, 2018 – December 31, 2018

January 1, 2019 – September 30, 2019

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500+ Breaches by Location of Breach



7

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Cybersecurity Concerns and Trends

- Ransomware
- Phishing attacks
- Remote Desktop Protocol Vulnerabilities
- Weak Authentication
 - Single factor
 - Poor password rules (“password”)
- Access Controls
 - Current and former workforce members

8

8

2019 Cybersecurity Newsletters

- Current Topics:
 - Advanced Persistent Threats and Zero Day Vulnerabilities
 - Managing Malicious Insider Threats
- Past Topics Include
 - Risk Analyses v. Gap Analyses
 - Workstation Security
 - Software Vulnerabilities and Patching
 - Guidance on Disposing of Electronic Devices and Media
 - Considerations for Securing Electronic Media and Devices

<http://www.hhs.gov/hipaa/for-professionals/security/guidance/index.html>

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