

# Update from the HHS Office for Civil Rights

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HHS Office for Civil Rights

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U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Office for Civil Rights**



# Regulatory Sprint to Coordinated Care

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In addition to requesting broad input on the HIPAA Rules, the RFI asked for comments on specific areas of the HIPAA Privacy Rule, including:

- Encouraging information-sharing for treatment and care coordination;
- Facilitating parental involvement in care to address the opioid crisis and serious mental illness; and
- Changing the current requirement for certain providers to make a good faith effort to obtain an acknowledgment of receipt of the Notice of Privacy Practices.

# Health App FAQs

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- In April 2019, OCR issued new FAQs addressing the HIPAA right of access as it relates to health apps. The FAQs clarify:
  - A covered entity cannot withhold sending ePHI to a health app selected by an individual because of concerns about how the health app developer will use or disclose ePHI.
  - A covered entity is not liable for the re-disclosure of ePHI by a health app if there is no business associate relationship between the health app developer and the covered entity.
  - The HIPAA Rules don't follow health data everywhere it goes.
- <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/access-right-health-apps-apis/index.html>

# WHAT'S WITH THE BOOT?!



# Surprise Billing

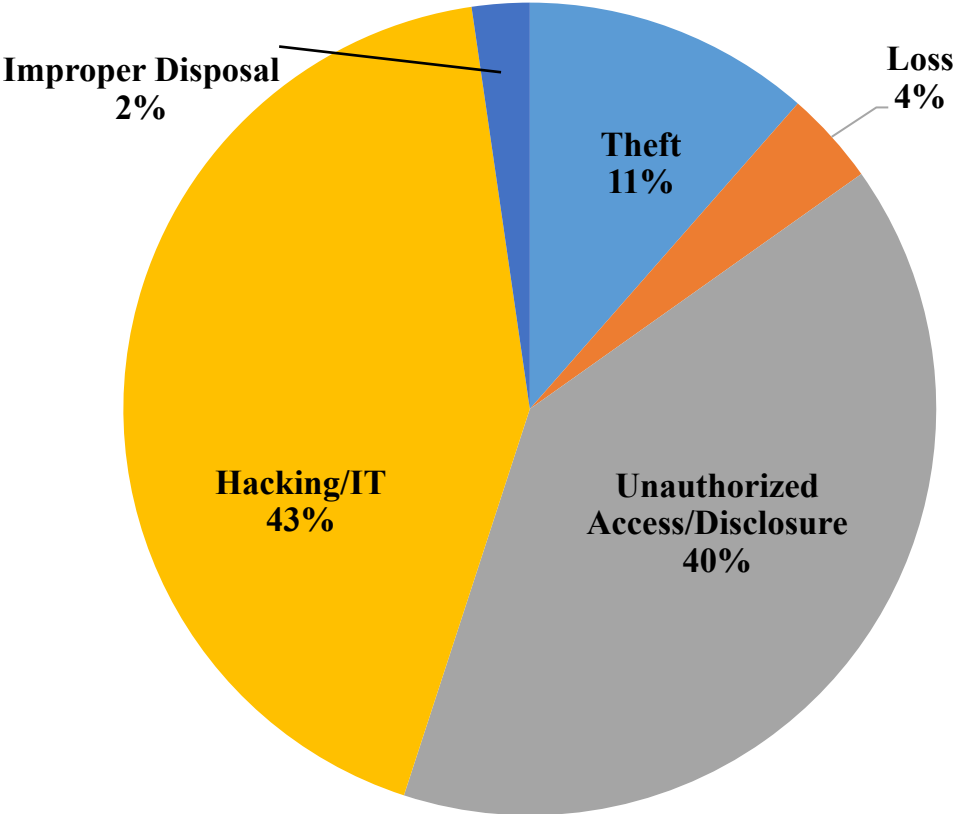
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- On June 24, 2019, President Trump issued Executive Order 13877 which directed HHS to “solicit comment on a proposal to require healthcare providers, health insurance issuers, and self-insured group health plans to provide or facilitate access to 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.

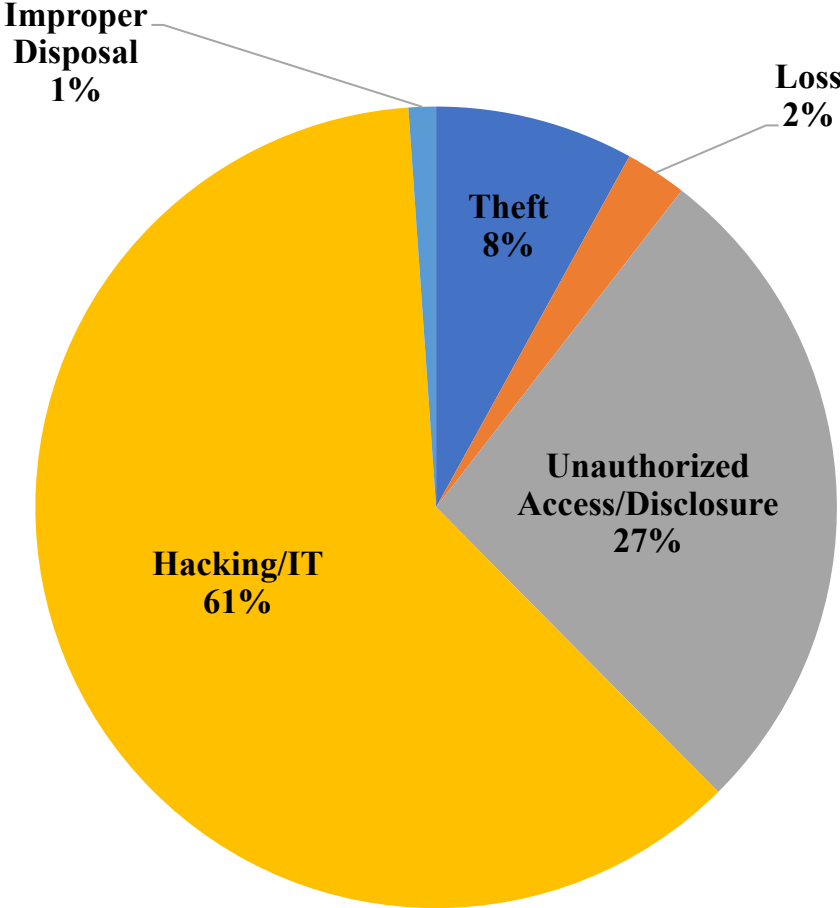
# Recent Enforcement Actions

11/2018	Pagosa Springs Medical Center (calendar app and employee controls)	\$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 to records)	\$85,000
9/2019	Elite Dental Associates (social media)	\$10,000

# 500+ Breaches by Type of Breach



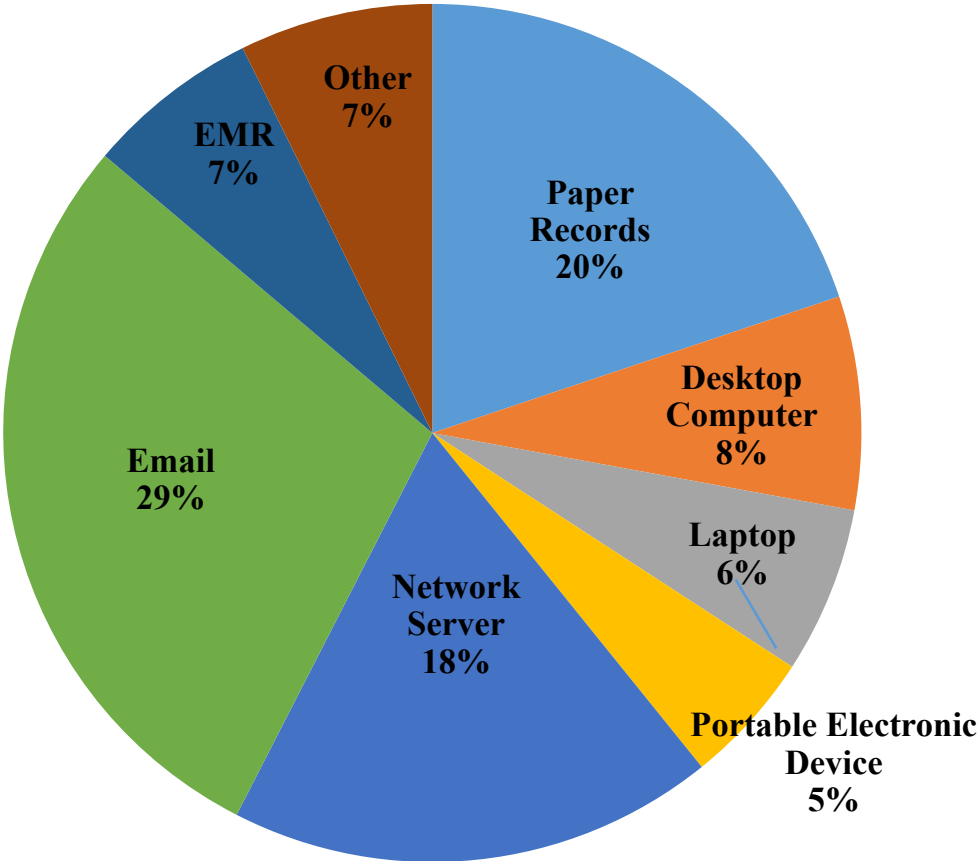
January 1, 2018 – December 31, 2018



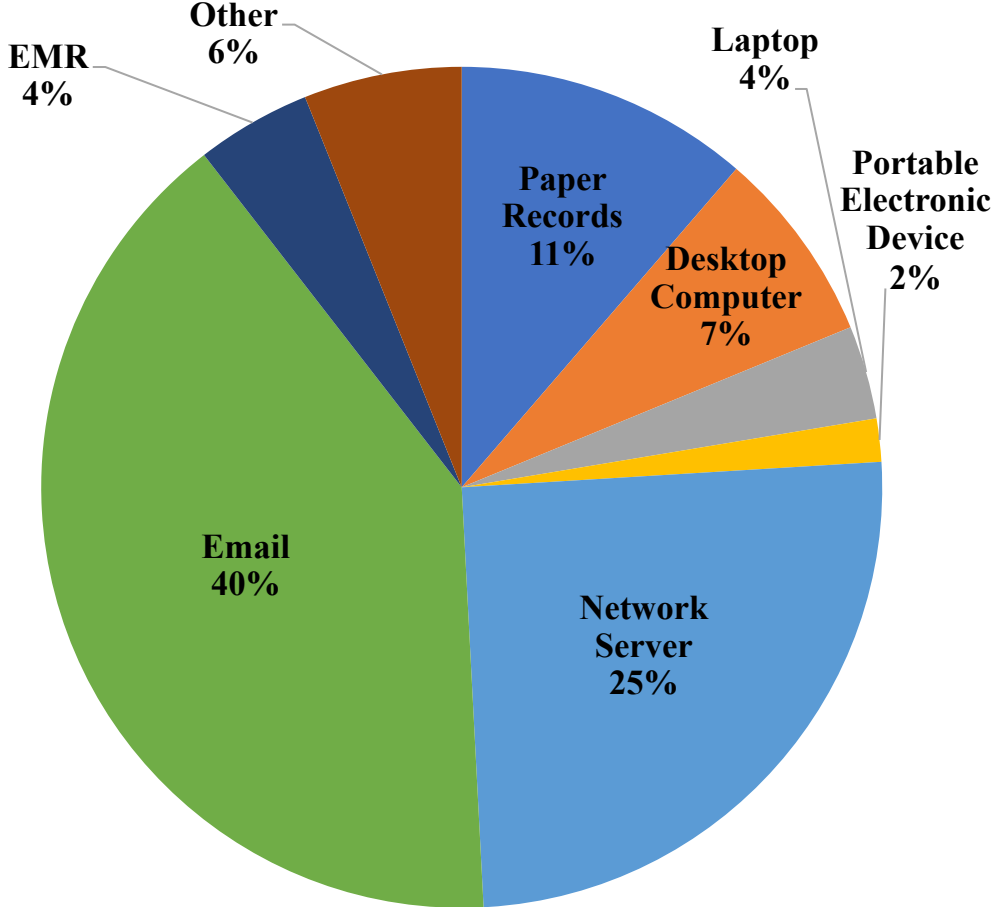
January 1, 2019 – September 30, 2019



# 500+ Breaches by Location of Breach



January 1, 2018 – December 31, 2018



January 1, 2019 – September 30, 2019

# Cybersecurity Concerns and Trends

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

# 2019 Cybersecurity Newsletters

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- 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



# “Semper Paratus” motto of the U.S. Coast Guard



# For More Information

- Visit us at <http://www.hhs.gov/HIPAA>
- Follow us on Twitter @HHSOCR
- Join our Privacy and Security listservs at <https://www.hhs.gov/hipaa/for-professionals/list-serve/>

UNITED STATES

Department of  
Health and Human  
Services



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