

**CalOHII Communications**

**August 2020**

For this month’s communications, our focus is on updates on CalOHII and Federal Health and Human Services (HHS) activities. We are keeping our website up-to-date as state and federal guidance on the COVID-19 emergency are made available – refer to our [home page](about:blank) for a summary of the most recent updates.

**CalOHII Updates**

* **COVID-19 Support** – CalOHII continues to support various state initiatives regarding the privacy of protected health information.
* **2020 State Health Information Guidance (SHIG - version 2) Update** – CalOHII is conducting a series of eight working sessions with various stakeholders to gather information about the organizations’ barriers to health information sharing related to food insecurity programs. The final stakeholder meeting is scheduled for August 20. The information collected will support the team’s development of use cases.
* **Data De-Identification Guidelines (DDG) Workgroup** – CalOHII continues to support workgroup activities – this includes assisting with the development of an Agency-wide implementation procedure for departments on how to use the Data De-Identification Guide.
* **Risk Analysis/Risk Assessment Focused Review** – CalOHII continues to finalize the results of the focused review and anticipates communicating these results to each department in September.
* **HIPAA Compliance** - CalOHII continues to work with four (4) departments on completing their Corrective Action Plan (CAP) documentation and action items.
* **State Legislation Review** – CalOHII is actively tracking six (6) bills and watching an additional 33 bills that could impact the Statewide Health Information Policy Manual (SHIPM). At the close of the session, CalOHII will provide a summary of potential SHIPM impacts related to signed bills. During this session, CalOHII has reviewed nearly 360 bills for potential health information or SHIPM impacts.
* **Incident/Breach** – CalOHII continues to review and follow-up with organizations regarding incidents reported to CalCSIRS.
* **Technical Assistance** – CalOHII continues to provide information to organizations and individuals with questions concerning the privacy protections of health information in California.

**HHS News**

* **Office for Civil Rights (OCR) to Settle Unencrypted Stolen Laptop Breach –** OCR settled with Lifespan ACE for $1,040,000 for potential HIPAA violations related to a breach report associated with the theft of a laptop. OCR found “there was systemic noncompliance with the HIPAA Rules including a failure to encrypt ePHI on laptops after Lifespan ACE determined it was reasonable and appropriate to do so.” More information about [the settlement](https://www.hhs.gov/sites/default/files/lifespan-ra-cap-signed.pdf) is on the OCR website. Refer to [SHIPM](https://www.chhs.ca.gov/ohii/shipm/statewide-health-information-policy-manual-shipm-documents-version-6-2020/) policies *3.2.4 – Workstation Use and Security* and *3.3.2 – Encryption* for more guidance on this topic.
* **OCR to Settle HIPAA Security Rule Noncompliance** - OCR has settled with a small FQHC who failed to implement multiple HIPAA security rule requirements.  During OCR’s investigation of a breach affecting 1,236 patients, they found “longstanding, systemic noncompliance with the HIPAA Security Rule.  Specifically, Metro failed to conduct any risk analyses, failed to implement any HIPAA Security Rule policies and procedures, and neglected to provide workforce members with security awareness training until 2016.” More information about [the settlement](https://www.hhs.gov/sites/default/files/metro-signed-agreement.pdf) is on the OCR website. Refer to [SHIPM](https://www.chhs.ca.gov/ohii/shipm/statewide-health-information-policy-manual-shipm-documents-version-6-2020/) *Chapter 3 – Security* for more guidance on this topic.
* **Revised 42 CFR Part 2** - Substance Abuse and Mental Health Services Administration (SAMHSA) announced the adoption of the revised Confidentiality of Substance Use Disorder Patient Records regulation, 42 CFR Part 2. CalOHII is reviewing these revisions for possible impacts to SHIPM. More information about [the revisions](https://www.samhsa.gov/newsroom/press-announcements/202007131115) are on the SAMSHA website – CalOHII recommends all departments review the [SAMHSA Fact Sheet](https://www.samhsa.gov/newsroom/press-announcements/202007131330).
* **Federal Spring Agenda Released** – Office of Management and Budget (OMB) released the latest agenda regarding potential regulatory updates – typically, these result in Notice of Proposed Rule Making (NPRM). CalOHII has reviewed the agenda and identified eight (8) items with potential SHIPM impacts for tracking. More information about the [Spring Agenda](https://www.reginfo.gov/public/do/eAgendaMain) is on the OMB website.

**Contact Us…**

**If you have any questions or comments about the content of this newsletter, contact us at** [**OHIComments@ohi.ca.gov**](about:blank)**.**

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