**CalOHII Communications**

**September 2019**

***In this month’s communication,*** the California Office of Health Information Integrity (CalOHII) provides updates on CalOHII activities, news from the federal Health and Human Services (HHS) as well as links to various news articles related to the Health Insurance Portability and Accountability Act (HIPAA) and healthcare industry.

**CalOHII Updates**

* [**CalOHII was recognized at the recent HHS Office of National Coordinator (ONC) Interoperability Forum**](http://r20.cisend48.com/vm2/c4ed48bc60e1e631/24379/acbf3873d470cc21a6473c7b9fa19141/24379) as “having done some important work” in the area of getting state agencies on the same page with regards to privacy policy related to 42 CFR Part 2 by creating the State Health Information Guidance (SHIG). For more information about [SHIG](https://www.chhs.ca.gov/ohii/shig/) can be found on the CalOHII website.
* **State Legislation Review** – CalOHII has worked with bill authors and other stakeholders providing technical assistance on several bills to ensure HIPAA compliance. As this year’s session comes to a close, we are assessing the specific impacts of signed bill to the Statewide Health Information Policy Manual (SHIPM).

**HHS News**

* **Office of Civil Rights (OCR) published its** [**summer 2019 Cyber Newsletter**](https://www.hhs.gov/hipaa/for-professionals/security/guidance/cybersecurity-newsletter-summer-2019/index.html) regarding how to manage malicious insider threats.
* **OCR Settles First Case in HIPAA Right of Access Initiative –** a covered entity has settled a potential violation of the right of access when the facility did not provide timely access to records. More information about [this case](https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/agreements/bayfront/index.html) can be found on the OCR website.
* **Substance Abuse and Mental Health Services Administration (SAMHSA) issued two (2) Notice of Proposed Rulemaking (NPRM) –** in late August, SAMHSA released two NPRMs – [one regarding disclosures to the courts](https://www.govinfo.gov/content/pkg/FR-2019-08-26/pdf/2019-17816.pdf), [another to realign Part 2](https://www.govinfo.gov/content/pkg/FR-2019-08-26/pdf/2019-17817.pdf).  CalOHII is working with California Health & Human Services Agency to respond.

**Other News**

* **Study Raises Awareness of Threat of Lateral Phishing Attacks** – it has been found that lateral phishing is a grown threat to healthcare organizations. The [full article](https://www.hipaajournal.com/study-raises-awareness-of-threat-of-lateral-phishing-attacks/) can be found on the HIPAA Journal website.
* **32% of Healthcare Employees have Received No Cybersecurity Training** – recent articles point out that healthcare data is targeted by cyberattacks more than other data and this article points out how important cybersecurity awareness is to employees. The [full article](https://www.hipaajournal.com/32-pc-healthcare-employees-no-cybersecurity-training/) can be found on the HIPAA Journal website.
* **Why are Hackers Targeting the Healthcare Industry?** – a new report provides some insight on why healthcare data has been the focus of hackers – mainly due to the high-impact of the threat and financial gains. The [full article](https://www.hipaajournal.com/why-are-hackers-targeting-the-healthcare-industry/) can be found on the HIPAA Journal website.
* **Beazley Breach Response services provides insights on OCR investigations -** Beazley found that OCR investigations are taking longer compared to previous years and OCR is “actively scrutinizing reports of smaller breaches for patterns of noncompliant behavior.” The [full article](https://www.nasdaq.com/press-release/healthcare-cyber-security-under-the-regulatory-microscope-20190815-00468) can be found on the NASDAQ website.
* **A recent study indicates more than half of the providers are not complying with HIPAA right of access –** non-compliance was found with regards to not sending health records in the format requested, charging over the allowed fees, excessive wait times and no policies and procedures for processing the medical records requests.The [full article](https://www.medpagetoday.com/hospitalbasedmedicine/generalhospitalpractice/81668) can be found on the MedPage Today website.
* **Health IT Security publishes commentary on why healthcare needs more than HIPAA and legislation to improve security** – the article provides some interesting thoughts on the issues facing healthcare organizations and possible solutions. The [full article](https://healthitsecurity.com/news/healthcare-needs-more-than-hipaa-legislation-to-improve-security) can be found on the HIPAA Journal website.

**Contact Us…**

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

*Past CalOHII Communications can be found on the* [*CalOHII Communications - Archive*](https://www.chhs.ca.gov/ohii/about-calohii/calohii-communications-archive/) *page.*