

**CalOHII Communications**

**October 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**

* The June 2019 version of the Statewide Health Information Policy Manual (SHIPM) has been updated to reflect a small change to SHIPM policy 5.4.1 Patient’s (Individual’s) Right to Access Health Information (specifically III.A.1).  Refer to [the SHIPM Documents Version 6/2019](https://www.chhs.ca.gov/ohii/shipm/statewide-health-information-policy-manual-shipm-documents-version-6-2019/) page for the latest version of the document.
* CalOHII is working with California Health & Human Services Agency to respond to Substance Abuse and Mental Health Services Administration (SAMHSA) Notice of Proposed Rulemaking (NPRM) regarding updates to 42 CFR Part 2.
* State Legislation Review– CalOHII is tracking the final outcome of several bills and will be assessing the specific impacts of signed bill to the Statewide Health Information Policy Manual (SHIPM).

**HHS News**

* **OCR to Settle Social Media Disclosure of Patients’ Protected Health Information (PHI) –** a covered entity has settled with OCR after the dental practice disclosed PHI when responding to patient reviews on Yelp. More information about [this case](https://www.hhs.gov/about/news/2019/10/02/dental-practice-pays-10000-settle-social-media-disclosures-of-patients-phi.html) can be found on the OCR website.
* **National Institute of Standards and Technology (NIST) Released Draft Privacy Framework for Comments** – NIST is accepting comments on a preliminary draft of Privacy Framework through October 24th. The [draft framework](https://www.nist.gov/privacy-framework) can be found on the NIST website.

**Other News**

* **The Importance of HIPAA Risk Assessments –** a consistent finding of OCR investigations is insufficient risk assessments. This article provides some tips and insights on the creation of the HIPAA risk assessment. The [full article](https://medcitynews.com/2019/09/the-importance-of-hipaa-risk-assessments/) can be found on the MedCity News website.
* **Recent Survey Finds IT is Slow to Change or Block Access Rights –** maintenance of user access rights is a critical to ensuring the security and privacy of PHI. This article points out the importance of policies and procedures to cover how access rights are reviewed, maintained and enforced. The [full article](https://www.hipaajournal.com/it-departments-slow-to-modify-and-block-access-rights-when-employees-change-roles-or-leave-the-company/) can be found on the HIPAA Journal website.
* **Study Reveals PHI Most Commonly Exposed in Data Breaches –** this study confirms that approximately 169 million people have had health information compromised in over 1,400 data breaches. The article provides insight on the specific types of data exposed. The [full article](https://www.hipaajournal.com/protected-health-information-commonly-exposed-healthcare-data-breaches/) can be found on the HIPAA Journal website.
* **July Ranked as Highest in History for Health Care Data Breaches –** July stood out with 50 breaches impacting more than 35 million individuals’ PHI. The [full article](https://www.natlawreview.com/article/july-2019-ranks-highest-history-health-care-data-breaches) can be found on the National Law Review website.
* **Business Associates’ Use of Information for their own Purposes –** this article is a good reminder about the use and disclosure of PHI by business associations (BA) as well as the importance of oversight by covered entities to ensure BAs are in compliance. The [full article](https://www.hollandhart.com/business-associates-use-of-information-for-their-own-purposes) can be found on the Holland and Hart website.

**Contact Us…**

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

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