

**CalOHII Communications**

**January 2020**

***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 has joined the Workgroup for Electronic Data Interchange (WEDI) Privacy and Security Workgroup and will share updates in the future.
* CalOHII is finalizing our survey and communication for the 2020 Covered Entity Assessment - outreach will begin this month. As a reminder, CalOHII is authorized by state statute to coordinate and monitor HIPAA compliance by all California State entities within the executive branch of government covered or impacted by HIPAA. To help ensure full compliance with HIPAA, CalOHII conducts an assessment (our last assessment was in 2017) asking state entities to self-assess their collection, use, and/or maintenance of health information.
* CalOHII has two (2) active Targeted Reviews underway.
* CalOHII is conducting a Focused Review on state organization’s Risk Analysis/Risk Assessment efforts – communication to participating departments will happen this week.
* CalOHII is providing technical assistance to several state entities.
* State Legislation Review – With the new legislative session starting, we are beginning our review of HIPAA-related bills.

**HHS News**

* **Office for Civil Rights (OCR) Settles a Second Case in HIPAA Right of Access Initiative –** OCR reached an agreement with Korunda Medical for $85,000 regarding potential violations of the right of access provision. OCR announced the Right of Access Initiative in early 2019 to enforce the rights of patients to get access to their medical records promptly, without being overcharged, and in readily producible format of their choice. More information about [this case](https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/agreements/korunda/index.html) is on the OCR website.
* **OCR Settles with Ambulance Company for HIPAA Noncompliance –** OCR reached an agreement with West Georgia Ambulance for $65,000 after a 2013 breach report investigation found long-standing HIPAA noncompliance. Issues found during the investigation found that the company failed to conduct risk analysis, provide security awareness and training program, and implement HIPAA policies and procedures. More information about [this case](https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/agreements/westgeorgia/index.html) is on the OCR website.

**Other News**

* News about OCR enforcement actions and possible 2020 actions
  + A recent article provides a good summary of recent OCR enforcement actions, including the need for timely breach reporting and conducting an enterprise-wide risk assessment. [The full article](https://www.healthcarestat.com/2019/12/spate-of-new-ocr-hipaa-enforcement-actions-confirms-the-importance-of-no-surprise-conducting-a-thorough-risk-assessment-and-prompt-breach-reporting/) is on the Health Care Stat website.
  + HIPAA Journal reports that OCR collected $12.2 million in penalties and settlements in 2019. The [full article](https://www.hipaajournal.com/hipaa-enforcement-in-2019/) is on the HIPAA Journal website.
  + HIPAA is nearly twenty years old; some predictions are being made regarding what’s next for HIPAA and OCR – including possible expansion of HIPAA for greater privacy protections and changes to hold business associates more accountable for breaches. The [full article](https://www.mintz.com/insights-center/viewpoints/2146/2019-12-new-decade-hipaa-what-can-we-expect#page=1) in on the Mintz website.
* A year in review regarding 2019 breaches across all industries finds:
  + The total number of breaches was up 33% over last year
  + Medical services, retailers and public entities are most affected
  + 5,183 data breaches for a total of 7.9 billion exposed records

The [full article](https://www.cnet.com/news/2019-data-breach-hall-of-shame-these-were-the-biggest-data-breaches-of-the-year/) is on the c/net website.

* With the rise in spear phishing attacks (doubled over the past year), Microsoft offers advice on how to defend these attacks. The article provides some insights on who is targeted and why, along with ideas on how to educate, defend and prevent these attacks. The [full article](https://www.hipaajournal.com/microsoft-issues-advice-on-defending-against-spear-phishing-attacks/) is 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**](mailto:OHIComments@ohi.ca.gov)**.**

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