

**CalOHII Communications**

**March 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**

* **2020 Entity Assessment** - CalOHII has completed the review of responses from state entities. We will to notify state entities within the next few weeks if our review indicates a department is a HIPAA covered entity/business associate or impacted by data.
* **2020 Statewide Health Information Policy Manual (SHIPM) Update** – CalOHII has assessed 49 potential updates to the SHIPM - 33 items will be moving forward. We are on track to publish the updated SHIPM in June.
* **Risk Analysis/Risk Assessment Focused Review** – CalOHII has received materials from participating state organizations and is beginning the review of each organization’s Risk Analysis/Risk Assessment.
* **HIPAA Compliance** - CalOHII has two (2) active Targeted Reviews underway and continues technical assistance efforts with several state entities. CalOHII is working with a department to provide technical support as they work through the procurement process to find a vendor to assist with the development of their risk analysis/assessment.
* **State Legislation Review** – CalOHII reviewed 243 bills introduced during this session, resulting in 32 bills being actively tracked or watched. These bills have potential SHIPM impacts.

**HHS News**

* **The Office for Civil Rights (OCR) Publishes Guidance on Coronavirus** – The “HIPAA Privacy and Novel Coronavirus” bulletin was published to ensure that HIPAA covered entities and their business associates are aware of the ways that patient information may be shared under HIPAA during this emergency situation. The bulletin and other information regarding release of protected health information are on the CalOHII [Emergency Information Sharing](https://www.chhs.ca.gov/ohii/emergency-information-sharing/) page.
* **The Centers for Medicare and Medicaid Services (CMS) Provides Transactions Basics** – CMS has created a series of fact sheets explaining the basics of HIPAA Administrative Simplification transactions and code sets. CMS provides the [fact sheets](https://www.cms.gov/Regulations-and-Guidance/Administrative-Simplification/HIPAA-ACA/EventsandLatestNews) on their website.
* **Cures Act Final Rule Released -** The Office of the National Coordinator (ONC) released the final rule that implements interoperability provisions of the bipartisan 21st Century Cures Act and promotes patients’ access to their health record. ONC provides the [final rule](https://www.healthit.gov/curesrule/) on their website.
* **Provider Pays $100,000 Settlement for Failing to Implement HIPAA Security Rule** – OCR determined that a provider never conducted a risk analysis when a breach was reported to OCR. More information about [the settlement](https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/agreements/porter/index.html) is on the OCR website.

**Other News**

* **A 31% Rise in Annual Cost of Insider Cybersecurity Incidents** – In the past 2 years there has been a 47% increase in the occurrence of incidents caused by insiders, which has led to the rise in costs.  Insider incidents are: (1) Incidents that resulted from mistakes made by employees (negligent insiders); (2) incidents deliberately caused by employees and contractors to harm the company (criminal insiders); and (3) incidents involving the use of insiders’ login details to gain access to applications, systems, and data (credential insiders). The [full article](https://www.hipaajournal.com/annual-cost-of-insider-cybersecurity-incidents-has-risen-31-in-2-years/) is on the HIPAA Journal website.
* **“Disruptionware” is Targeting the Health Care Industry** – the newest form of cyberattack is a malware designed to suspend operations within an organization until the ransom is paid. [More information](https://www.faegredrinker.com/en/insights/publications/2020/2/disruptionware-the-newest-form-of-cyberattack) is on the Faegre Drinker LLP website.
* **HIPAA Violation Learnings** – A recent criminal investigation into accusations of accessing a co-worker’s health records highlight the importance of implementing administrative controls, which include policies and procedures, employee training, unique login credentials, access controls, sanctions and audit logs. These controls can prevent HIPAA violations and/or lead to faster detection of the unauthorized access. More information on this [investigation and learnings](https://www.jdsupra.com/legalnews/criminal-investigation-for-alleged-35892/) is available on the JDSupra 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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