



The State of HIPAA in 2023

Safeguarding Our Patients, Protecting Ourselves

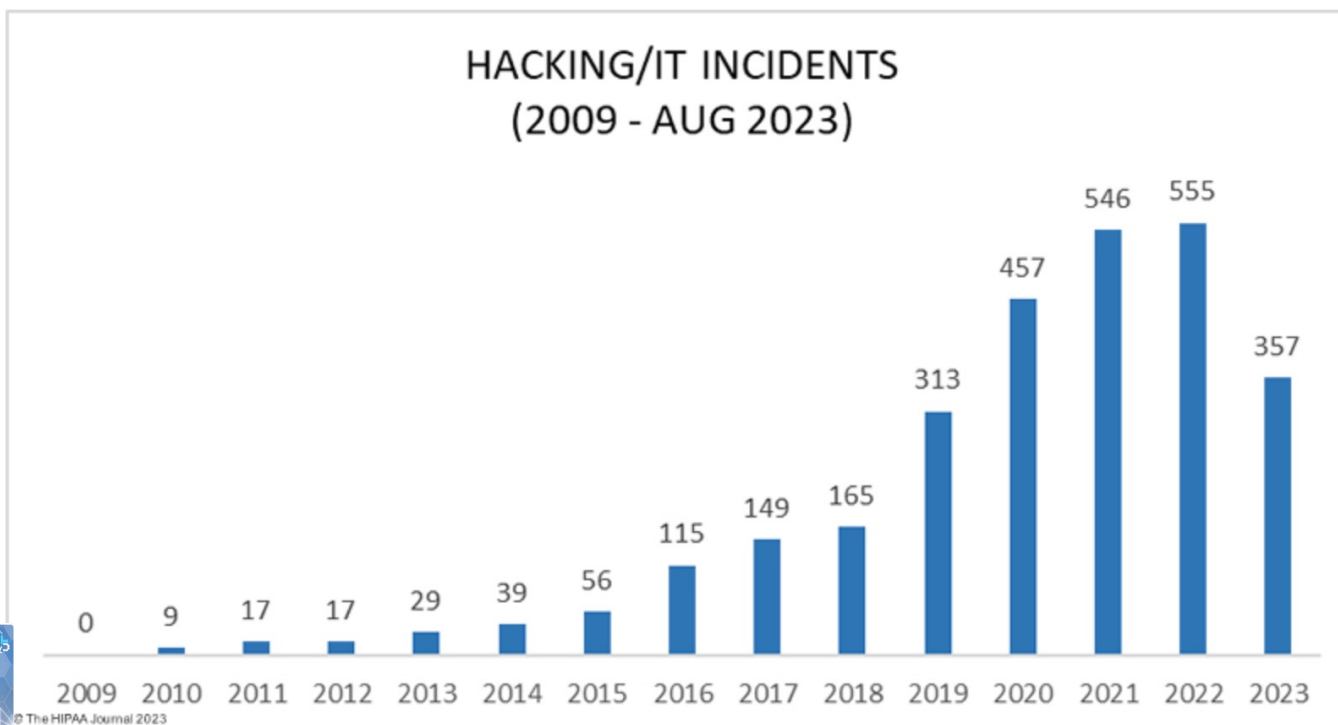
Presented by R. Greg Manson
27-September-2023

AGENDA


- The Threat Environment
- Enforcement
- Top Challenges – Privacy and Security
- The Future



The Threat Environment



Enforcement

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- A large, stylized arrow graphic on the left side of the slide, pointing to the right. It is composed of several overlapping triangular shapes in shades of blue and teal, creating a sense of depth and movement.
- OCR has received and investigated a record number of Breach Reports
 - Decreased OCR enforcement staff
 - OCR fines + criminal penalties + civil lawsuit settlements



- Mitigates fines
- Decreases/eliminates length and extent of audit in response to a breach
- Mitigates remedies in a HIPAA resolution agreement with HHS

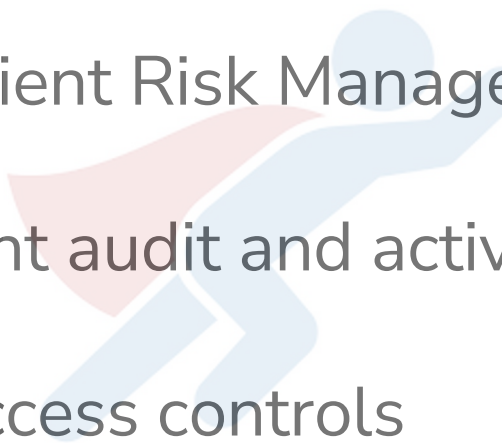
A large, stylized arrow graphic on the left side of the slide, pointing to the right. It is composed of several overlapping geometric shapes in shades of blue and teal.

Top Challenges – Privacy & Breach Notification

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- A faint, light blue silhouette of a superhero figure in a dynamic, forward-leaning pose, wearing a red cape. It is positioned behind the list of challenges.
- Timely Access to Records
 - Insufficient sharing of Privacy Practices
 - Deficient Privacy Training
 - Timely Breach Notification
 - Inadequate Breach Notification content

Top Challenges – Security

- Timely Risk Analysis
- Insufficient Risk Management
- Deficient audit and activity monitoring
- User access controls
- Deficient Business Associates



Business Associates & BAAs

- Supply chain risk
- Deficient Risk Analysis
- Email awareness
- CE to CE BAAs



The Future

- Privacy Rule overhaul
- Security Rule overhaul
- Framework alignment with NIST 171/CSF
- More civil claims settlements
- Reporting

Pop Quiz!

- OCR is swamped, so HIPAA Security can be a routine priority. • FALSE
- I only need to do a Risk Analysis every two or three years. • FALSE
- Accidental Data Loss is a top threat to PHI • TRUE
- I need assurance of HIPAA compliance for anyone performing an activity involving PHI. • TRUE

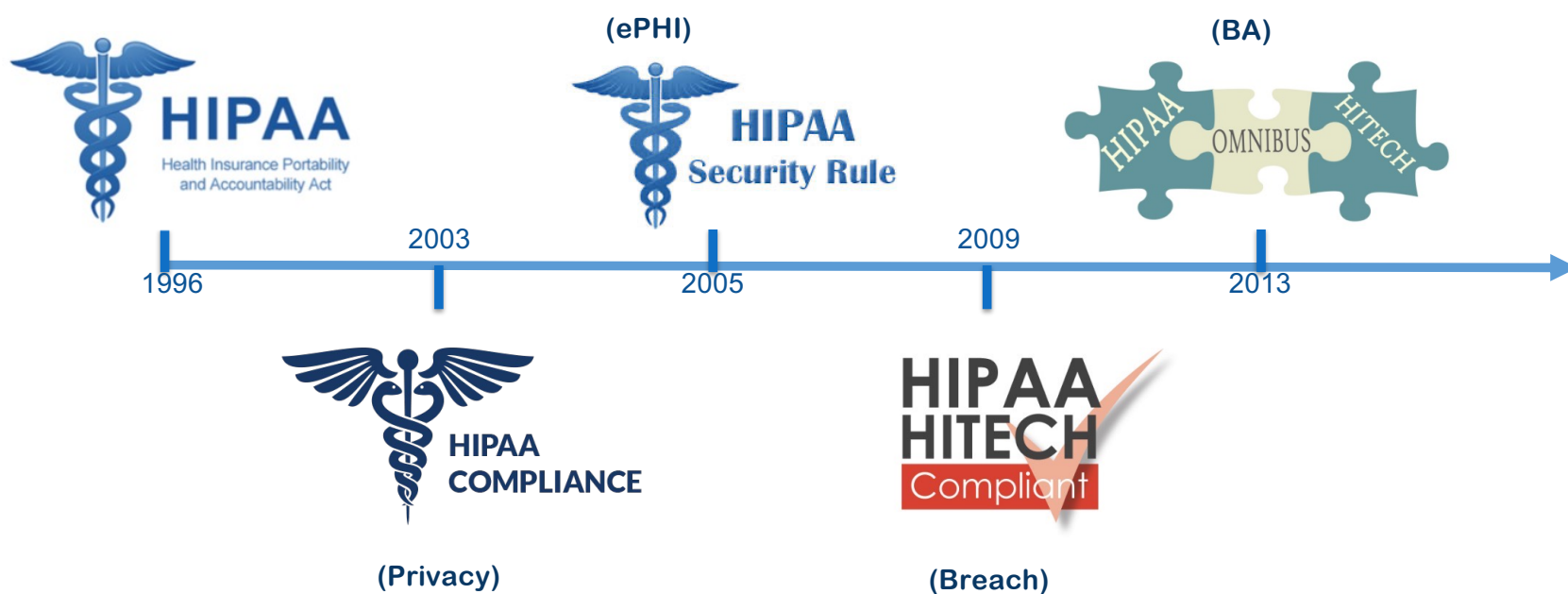
Thank you!



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HIPAA and the Security Rule



Cures Act

The Office of the National Coordinator for Health Information Technology



PREVENTING HARM EXCEPTION



PRIVACY EXCEPTION



SECURITY EXCEPTION

EXCEPTIONS THAT INVOLVE
not fulfilling requests to access, exchange, or use EHI



INFEASIBILITY EXCEPTION



HEALTH IT PERFORMANCE EXCEPTION

8

EXCEPTIONS TO THE INFORMATION BLOCKING PROVISION



LICENSING EXCEPTION



COSTS EXCEPTION



CONTENT AND MANNER EXCEPTION

EXCEPTIONS THAT INVOLVE
procedures for fulfilling requests to access, exchange, or use EHI

Tego HIPAA SRA

