The State of HIPAA in 2023

Safeguarding Our Patients, Protecting Ourselves

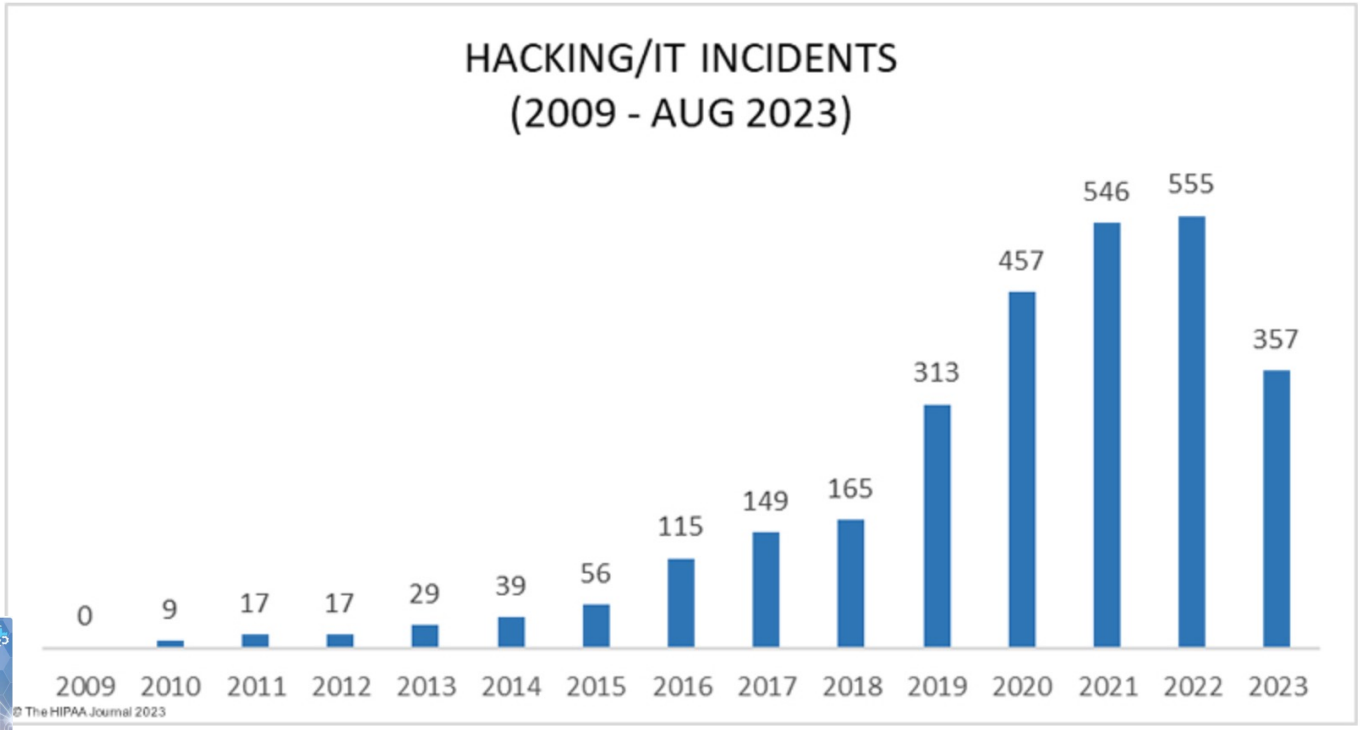
Presented by R. Greg Manson

27-September-2023

AGENDA

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

The Threat Environment



Enforcement

- 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

Top Challenges – Privacy & Breach Notification

- 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

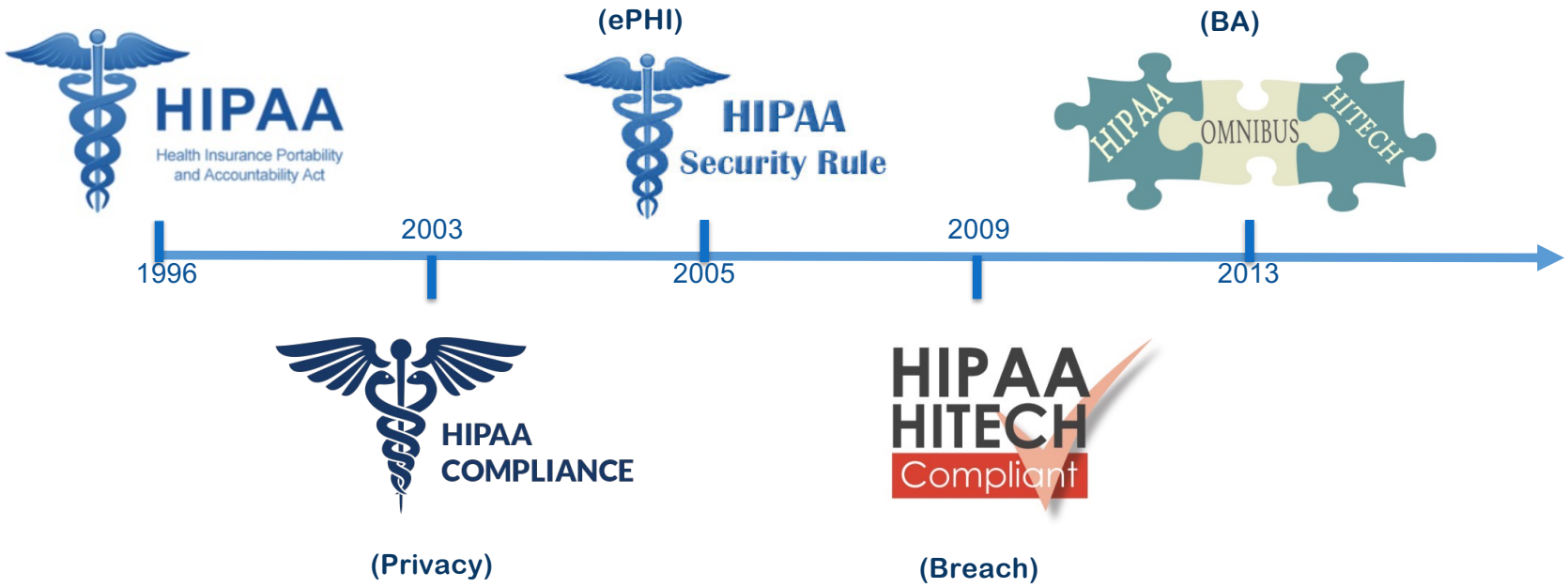
Pop Quiz!

• 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!

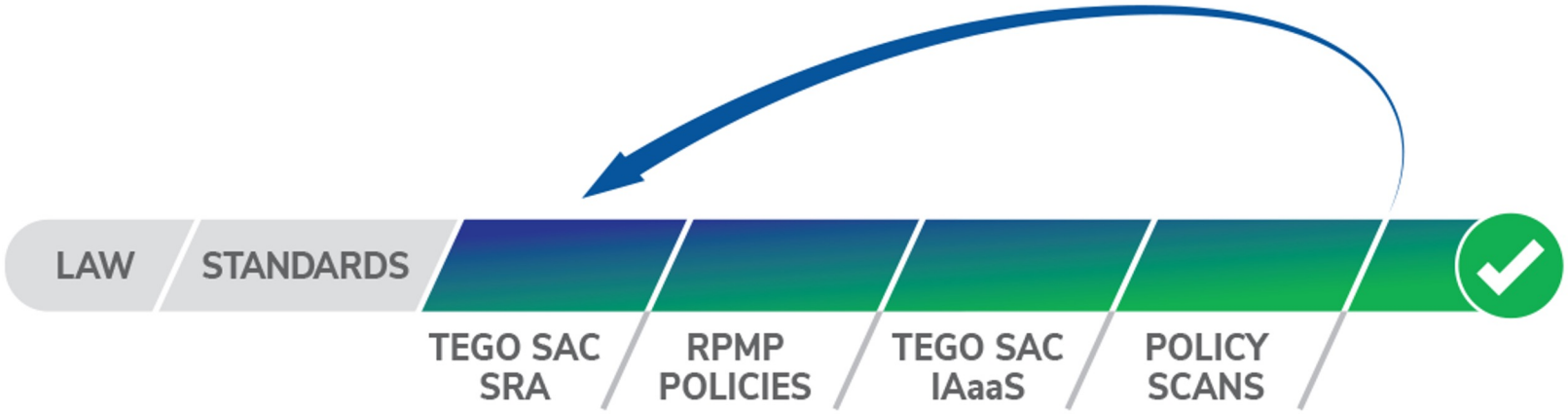
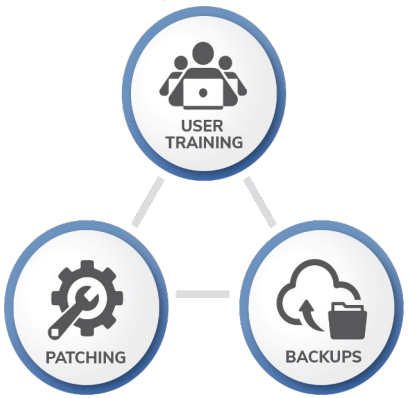
R. Greg Manson
VP of Advisory Services, Tego
919-874-5673
gmanson@tegodata.com

HIPAA and the Security Rule



Cures Act

The Office of the National Coordinator for Health Information Technology

TEGO

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