IACP Summary of ANCOR Presentation by John Gilliland

IACP staff attended an ANCOR presentation by John Gilliland. The following is a summary of information from the presentation on HIPAA and what we know about current, national enforcement activities.

Major Causes of Breaches Resulting in Fines (In No Particular Order):

- Theft (Generally of Non-Encrypted Thumb Drives or Computers/Phones)
- Unauthorized Access
- Improper Disposal
- Human Error
- Misdirected Communication
- Loss of Information
- Hacking

Examples of Fines:

1. One agency had large fines imposed upon them because they had not wiped the hard disk of their copier prior to disposal.
2. One health system was fined $150,000 because an unencrypted thumb drive was stolen.

If your technology is encrypted to government standards and it is stolen, the theft WILL NOT be considered a breach.

Where to Start:

1. Work through security for mobile devices.
2. What is your policy on staff email on phones?
3. Do you have the ability to delete not only access to email accounts on mobile devices, but to also delete old emails?
4. Does your policy outline the agency expectations regarding staff action upon termination of employment?

What else?

Not having policies that address issues of security & privacy greatens the chances of increased fines. Fines do not have to be levied in the first tier of citations. Rather, a plan for correction alone can be mandated. Nationally this is only likely if the agency can show that they have thoroughly thought through the process and has policies and procedures in

place to adequately outline expectations.

Can the policy just say "No PHI will be on mobile devices?"

While you can mandate this, Mr. Gilliland recommends not having this be the extent of your expectation or practice given the reality of staff use of these devices.

Auditors are coming. While previous investigations were complaint-based, there is currently a move for a broader look at compliance and privacy of protected health information. Taking a look at your current processes and policies will help to keep your agency protected.

Have questions? Contact techassistance@iowaproviders.org.

For more information, utilize the following links:

http://www.hhs.gov/ocr/privacy/hipaa/enforcement/audit/protocol.html

http://www.healthit.gov/providers-professionals/security-risk-assessment-tool