



# **OCR UPDATE and OUTREACH**

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Office for Civil Rights

NCVHS Full Committee

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# Rulemaking

- What's New:
  - NICS NPRM
  - CLIA Final Rules on access rights to test results direct from labs
- What's to Come:
  - From HITECH
    - Accounting of Disclosures
    - Methods for sharing penalty amounts with harmed individuals
  - NICS Final Rule

# Guidance

## What's New:

### **Spanish Model Notice of Privacy Practices**

## What's to Come:

### **Omnibus Final Rule**

- Breach Safe Harbor Update
- Breach Risk Assessment Tool
- Minimum Necessary
- More on Marketing
- More Factsheets on other provisions

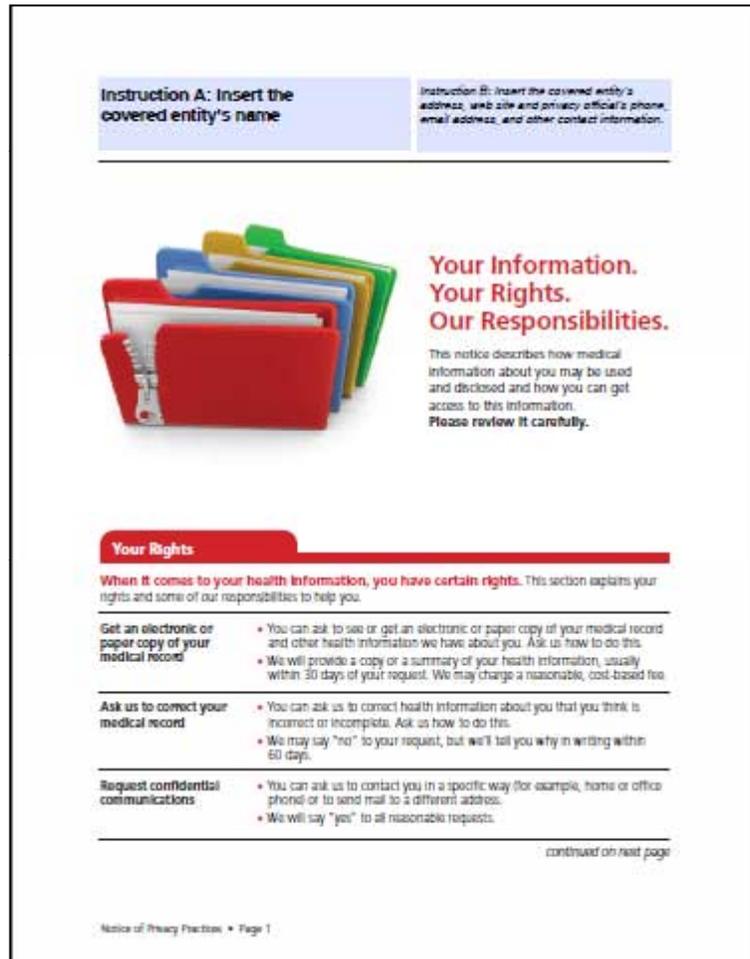
### **Model Notice**

- Challenge

### **Other Guidance**

- Permitted mental health disclosures
- Security Rule guidance updates

# Notice of Privacy Practices Challenge



- Call for designers, developers, and patient privacy experts to create an online model notice of privacy practices that is compelling, readable, and understandable by patients and is easily integrated into existing entity web sites.
- Submissions will use the content and design elements developed recently as part of the joint ONC/OCR Model Notices.
- The module, or generator, is intended to live on GitHub and be made available open-source such that any organization can implement it on its Web site.
- Total: \$25,000 in prizes
  - First Place: \$15,000 Second Place: \$7,000 Third Place: \$3,000
- Timeline:
  - Submission period begins: February 7, 2014
  - Submission period ends: April 7, 2014
  - Winners notified: May 1, 2014
  - Winners Announced: Event TBD May-June, 2014

<http://www.hhs.gov/ocr/privacy/hipaa/modelnotices.html>

# Enforcement Update

- What's New
  - Adult & Pediatric Dermatology – December 26, 2013
    - Stolen unencrypted thumb drive
    - Lacked risk analysis, and policies/procedures for breach notification
    - \$150,000
  - Breach Reports
    - Redesigned website for 500+ postings
- What's to Come
  - Resolution Agreements/Corrective Action Plans
    - Continue to increase activity and resources
    - Maintain focus on fundamentals of compliance programs
    - Address emerging issues
  - Investigated Complaints/Compliance Reviews
    - New web portal for complaints/centralized intake
    - Strategic approach to increase efficiencies, identify cases for investigation

# Compliance and Enforcement Audit – What’s to Come

Formal Program Evaluation 2013

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graph TD; A[Formal Program Evaluation 2013] --> B[Internal analysis for follow up and next steps]; B --> C[Revise Protocol to reflect Omnibus Rule]; C --> D[Ongoing program design and focus];
```

Internal analysis for follow up and next steps

- Creation of technical assistance based on results
- Determine where entity follow up is appropriate
- Identify leading practices

Revise Protocol to reflect Omnibus Rule

Ongoing program design and focus

- Business Associates
- Accreditation /Certification correlations?

# OCR's YouTube Videos



**Your New Rights Under HIPAA**  
264,781 Views



**The HIPAA Omnibus Rule**  
273,927 Views



**Your Health Information, Your Rights**  
116,291 Views



**Su Informacion de Salud,  
Sus Derechos**  
503,898 Views



**The Right to Access Your Health Information**  
84,909 Views



**Treatment, Payment and Health  
Care Operations**  
77,967 Views



**EHRs: Privacy and Security**  
5,645 Views



**Communicating with Friends  
And Family**  
97,428 Views



**Explaining the Notice of Privacy Practices**  
124,888 Views



**HIPAA Security Rule**  
291,263 Views

**TOTAL VIEWS FROM FEBRUARY 16 2012 - JANUARY 30, 2013: 1,840,997**

**Visit us at <http://www.youtube.com/USGovHHSOCR>**

# OCR's YouTube Videos



**Your New Rights Under HIPAA**  
624 Views



**The HIPAA Omnibus Rule**  
3,938 Views



**Your Health Information, Your Rights**  
2,984 Views



**Su Informacion de Salud,  
Sus Derechos**  
67 Views



**The Right to Access Your Health Information**  
488 Views



**Treatment, Payment and Health  
Care Operations**  
156 Views



**EHRs: Privacy and Security**  
345 Views



**Communicating with Friends  
And Family**  
181 Views



**Explaining the Notice of Privacy Practices**  
183 Views



**HIPAA Security Rule**  
648 Views

**DECEMBER - JANUARY INCREASE: 9,614**

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# Questions?

OCR website [www.HHS.gov/OCR](http://www.HHS.gov/OCR)