HIPAA® SECURITY SUITE

Your Key to HIPAA Compliance®

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Today's Topics

- Current HIPAA enforcement to be aware of.
- Increasing cyber risk in healthcare.
- Best practices for improving your cybersecurity.
- We've been attacked, now what?

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New HIPAA Regulations in 2022

- Allowing patients to inspect their PHI in person and take notes or photographs of their PHI.
- Changing the maximum time to provide access to PHI from 30 days to 15 days.
- HIPAA-covered entities will be required to post estimated fee schedules on their websites for PHI access and disclosures.
- The requirement for HIPAA-covered entities to obtain written confirmation that a Notice of Privacy practices has been provided has been dropped.

New HIPAA Regulations in 2022

- CEs will be allowed to disclose PHI to avert a threat to health or safety when harm is “seriously and reasonably foreseeable.” The current definition is when harm is “serious and imminent.”
- Patient acknowledgment of notice of privacy practices will no longer be required.
- The minimum necessary rule for PHI will have an exception to allow for disclosures for care coordination.
- “Healthcare operations” has been broadened to cover care coordination and case management.

Current HIPAA Enforcement

- The Office for Civil Rights (OCR) is the HIPAA enforcement arm of the Department of Health and Human Services (HHS).
- Enforcement efforts highly focused on patient Right of Access.
  - In CA you have 15 days to provide medical records in the format requested.
  - https://oag.ca.gov/privacy/facts/medical-privacy/patient-rights

HIPAA Wall of Shame

Breach Report Results

Expand All	Name of Covered Entity	State	Covered Entity Type	Individuals Affected	Breach Submission Date	Type of Breach	Location of Breached Information
	Louisiana Department of Public Safety and Corrections	LA	Healthcare Provider	85466	10/31/2022	Unauthorized Access/Disclosure	Network Server
	St Luke's Health - Texas	TX	Healthcare Provider	16906	10/30/2022	Hacking/IT Incident	Email
	Coastal Horizons Center Inc.	NC	Healthcare Provider	679	10/25/2022	Unauthorized Access/Disclosure	Electronic Medical Record
	Resource Anesthesiology Associates of NM Inc	NY	Healthcare Provider	7054	10/24/2022	Hacking/IT Incident	Network Server
	Resource Anesthesiology Associates Of KY PSC	NY	Healthcare Provider	8980	10/24/2022	Hacking/IT Incident	Network Server
	Resource Anesthesiology Associates of CT PC	NY	Healthcare Provider	3123	10/24/2022	Hacking/IT Incident	Network Server
	Resource Anesthesiology Associates of VA LLC	NY	Healthcare Provider	3305	10/24/2022	Hacking/IT Incident	Network Server
	Somnia, Inc.	NY	Healthcare Provider	1326	10/24/2022	Hacking/IT Incident	Network Server
	Somnia Pain Mgt of Kentucky	NY	Healthcare Provider	10848	10/24/2022	Hacking/IT Incident	Network Server
	Saddlebrook Anesthesia Services PC	NJ	Healthcare Provider	8861	10/24/2022	Hacking/IT Incident	Network Server
	Primary Anesthesia Services	NY	Healthcare Provider	9517	10/24/2022	Hacking/IT Incident	Network Server
	Mid-Westchester Anesthesia Services PC	NY	Healthcare Provider	707	10/24/2022	Hacking/IT Incident	Network Server
	Regions Hospital	MN	Healthcare Provider	978	10/24/2022	Hacking/IT Incident	Network Server
	Massengale Eye Care	OK	Healthcare Provider	15000	10/21/2022	Hacking/IT Incident	Network Server
	Phoenix Programs of Florida, Inc.	FL	Healthcare Provider	6594	10/21/2022	Hacking/IT Incident	Email

https://ocrportal.hhs.gov/ocr/breach/breach_report.jsf

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Increasing Threats

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Increasing Threats

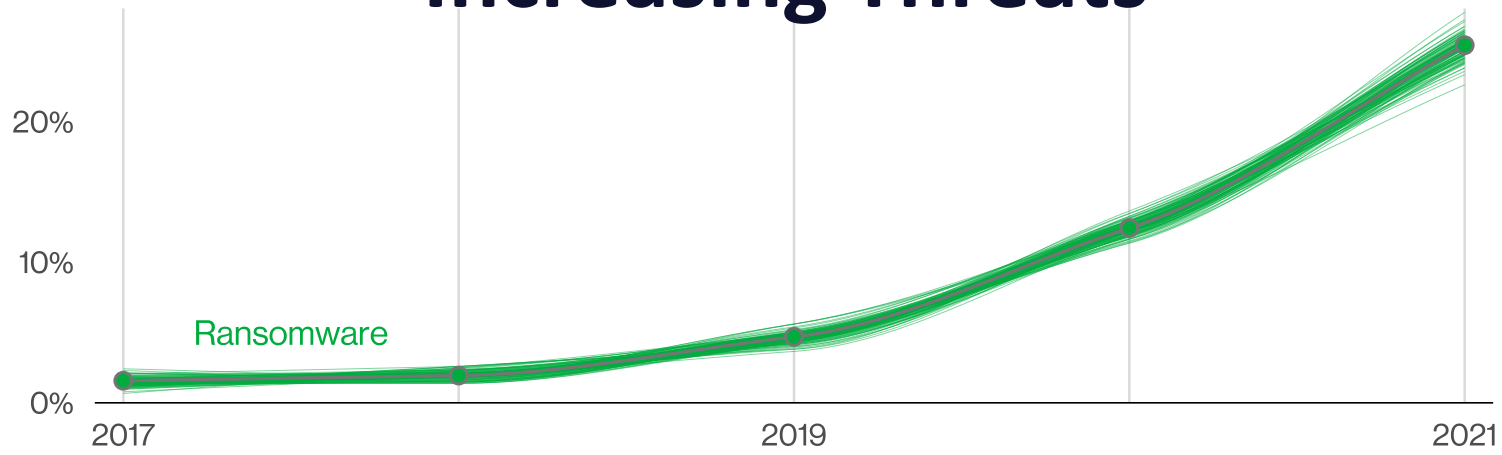

Figure 6. Ransomware over time in breaches

- This year ransomware has continued its upward trend with an almost 13% rise – an increase as big as the last five years combined.
- Blocking the four key paths helps to block the common routes ransomware uses to invade your network.

Source: Verizon 2022 Data Breach Investigation Report

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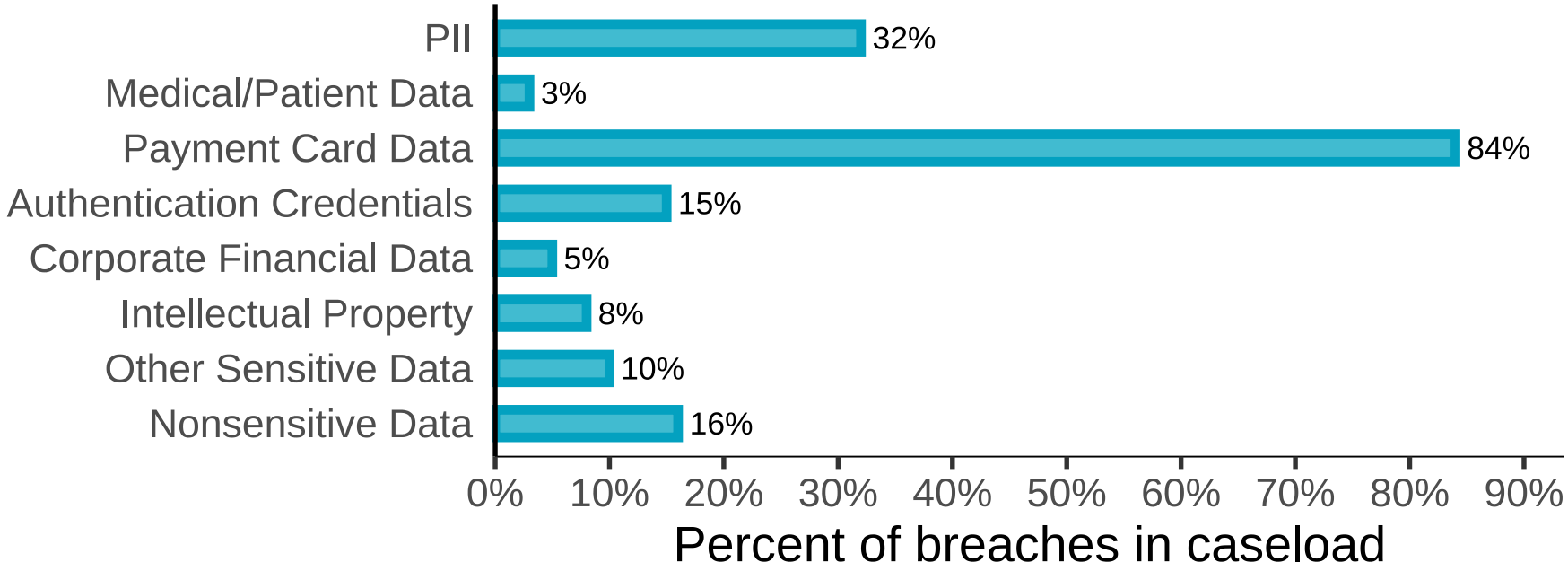
Increasing Threats

- Cybercriminals are moving their attacks to mobile and personal communication channels to reach employees. SlashNext recorded a 50% increase in attacks on mobile devices, with scams and credential theft at the top of the list of payloads.
- In 2022, they detected an 80% increase in threats from trusted services such as Microsoft, Amazon Web Services or Google, with nearly one-third (32%) of all threats now being hosted on trusted services
- 54% of all threats detected in 2022 were zero-hour threats, showing how hackers are shifting tactics in real-time to improve success
- 76% of threats were targeted spear phishing credential harvesting attacks
- The top 3 attack sectors are **Healthcare**, Professional and Scientific Services, and Information Technology

Source: SlashNext State of Phishing Report for 2022

Increasing Threats



- PHI is immutable – it's easier to change your social security number than it is to change your medical history.

Source: Verizon 2022 Data Breach Investigation Report

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Increasing Threats

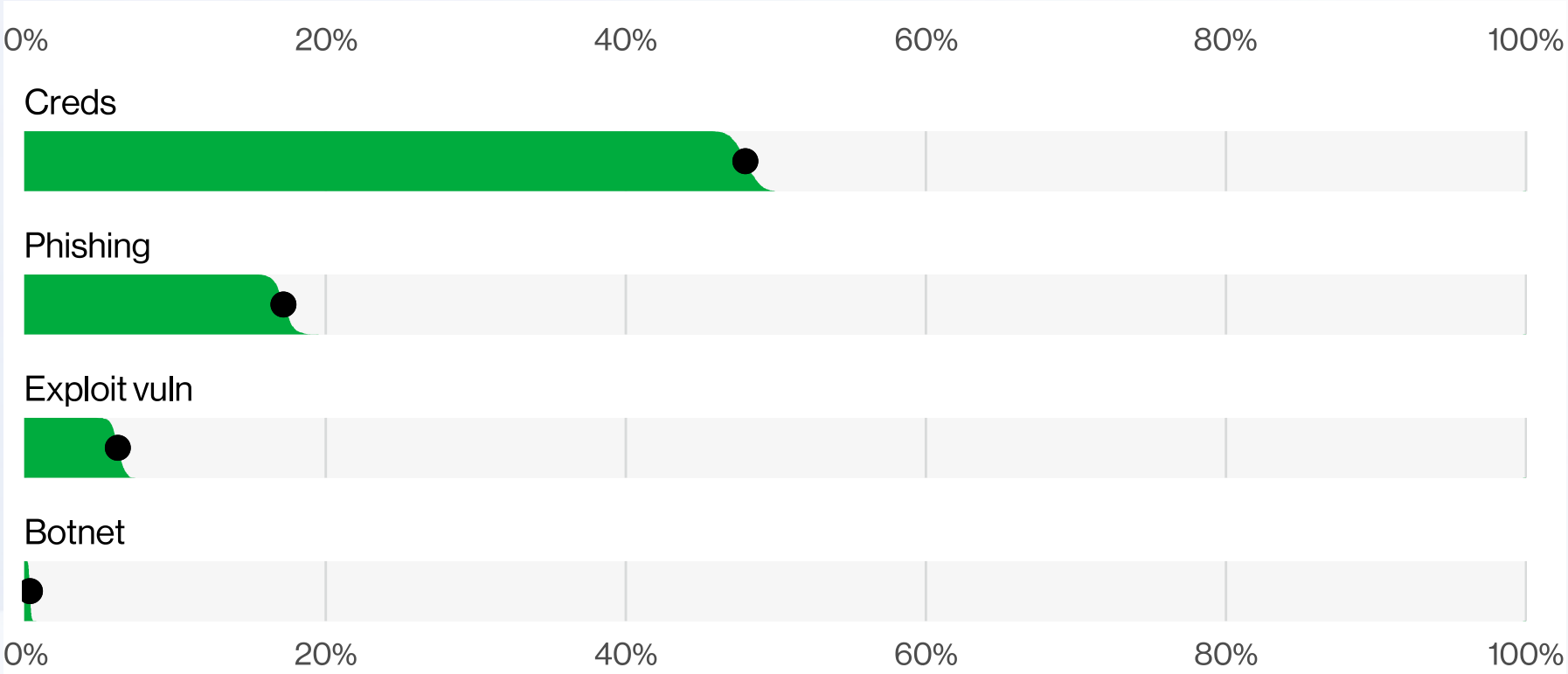

Figure 5. Select enumerations in non-Error, non-Misuse breaches (n=4,250)

Source: Verizon 2022 Data Breach Investigation Report

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Increasing Threats

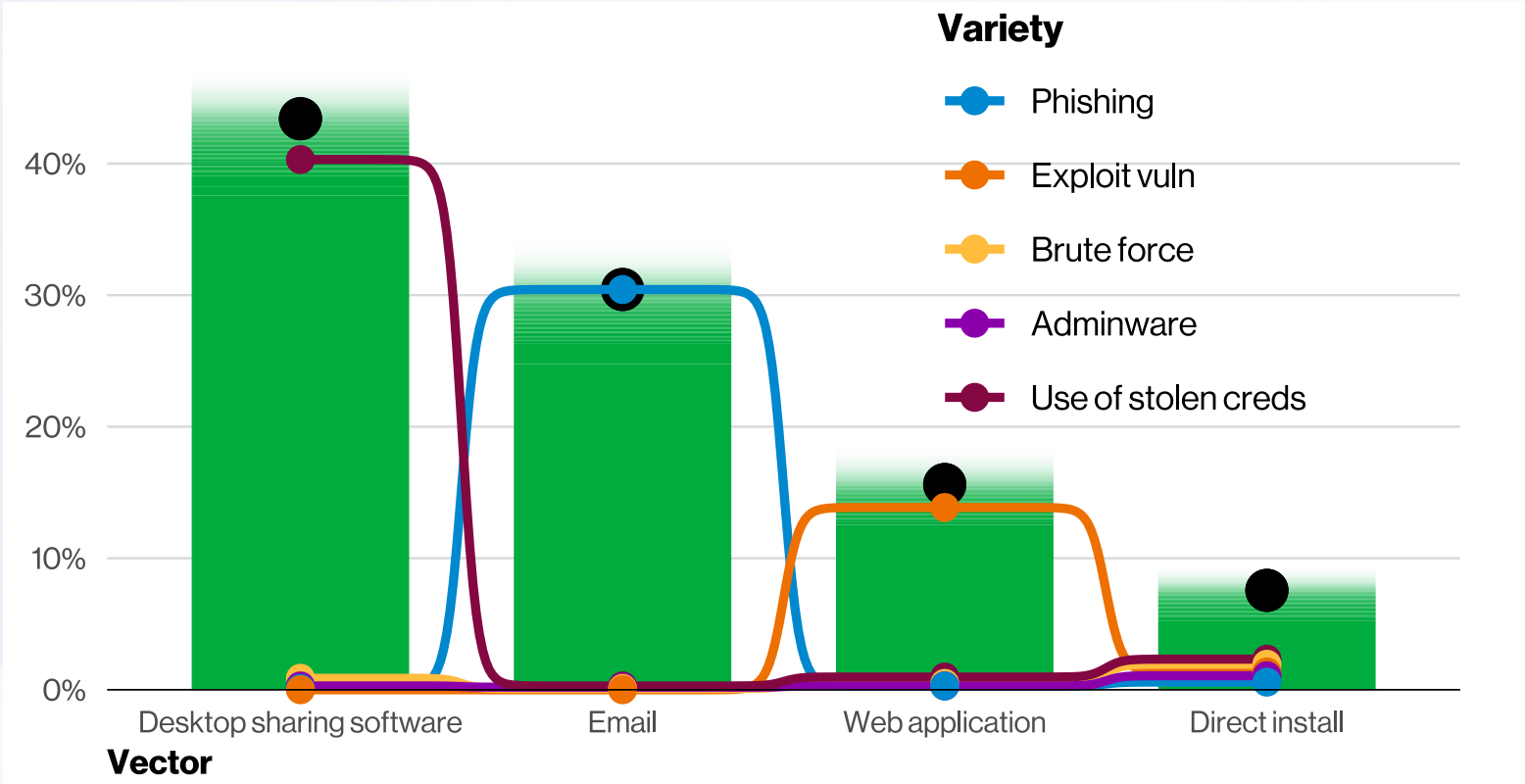

Figure 39. Select action varieties within vectors in System Intrusion Ransomware incidents (n=1,032)

Source: Verizon 2022 Data Breach Investigation Report

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Best Practices

For Improving your Cybersecurity.

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Today's Definitions

- For our conversation today:
  - A solo practice shall be defined as an individual provider working alone, typically using a portable device for encounters.
  - Small practice – a single provider working with a staff up to 10 providers

Top 10 Tips for CAP Members

1. **Keep hardware and software up to date.**
   a. Phase out Windows 10 devices.
   b. Ensure software updates are being run – check at least weekly.
   c. Firewall should be running antivirus – if it can't, upgrade it – if it's offered, pay for it.

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Top 10 Tips for CAP Members

2. **Use data encryption.**
   a. For solo practitioners – MANDATORY that your portable device's hard drive is encrypted AND can be remotely wiped.
   b. Small practices – date AT REST and in transit needs to be encrypted – yes, that includes emails, regardless of PHI content or not.
   c. ALL backups and cloud storage should be encrypted AND a copy of backups should be kept offline.

Top 10 Tips for CAP Members

3. **Pause before you click.**
   a. Don’t open unknown email attachments
   b. Don’t click links in emails or on websites
   c. Confirm URLs

CHASE

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Top 10 Tips for CAP Members

4. **Use anti-virus and anti-malware software.**
   a. At the perimeter
   b. On every device
   c. Yes, you should be running BOTH.

Top 10 Tips for CAP Members

5. **Use a virtual private network (VPN) when remote.**
   a. If you must use a public wifi (please don't), then at least use a VPN
   b. A VPN will encrypt all of your traffic

Top 10 Tips for CAP Members

6. **Disable Bluetooth when not in use.**
   a. Bluetooth can be hacked and if you aren't using it, turn it off.

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Top 10 Tips for CAP Members

7. **Use two factor authentication (2FA).**
   a. 2FA, while not perfect, adds exponentially to the complexity of being hacked or having your stolen credentials effectively used.

Top 10 Tips for CAP Members

8. **Use complex passwords.**
   a. At least 16 characters
   b. Use a password manager like LastPass or Roboform to simplify handling.

Top 10 Tips for CAP Members

9. **Train, train, train!**
   a. Cybersecurity training should be done regularly, at least monthly.
   b. Create a culture of constant consciousness and awareness of cybersecurity issues.

Top 10 Tips for CAP Members

10. Test your security.

a. Solo practitioners – run network scans to find weaknesses
b. Small practices – run penetration tests to test defenses
c. Use a third party for professional results.

Hacked?
Now what?

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Being Prepared

- Have an action plan!
- Contact your IT company to stop further damage
- Contact CAP or your cyber insurance carrier
- Contact local LE and the FBI

Questions?

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Thank you

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FBI Infragard

Federal Cyber Health Working Group

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