

How FairWarning Supports OCR Phase 2 HIPAA Audits



On Monday, March 21, 2016, the Office for Civil Rights (OCR) announced Phase 2 of its HIPAA audits. In the Phase 2 Audit Program, OCR will review the policies and procedures of selected covered entities and business associates to examine compliance with the HIPAA Privacy, Security and Breach Notification Rules. Providers will be asked to identify business associates and it is recommended to have lists and contact information for BAs available.

Process and Key Information:

- Verification of Contact Information (underway now)
- Creation of Audit Candidate Pool
- Phase 2 Audits - Scheduled to begin in coming months
- Updated Audit Protocols - OCR issued a new audit protocol in April 2016
- Notification - OCR will notify selected Covered Entities in writing (email) they have been selected for an audit.
- Document Demand - Covered Entities have 10 business days to submit requested information via OCR's secure portal. All documents to be in a digital form.
- How Phase 2 Audits are to be conducted - Primarily desk audits with all desk audits scheduled to be completed by 12/31/16.
- After the Phase 2 Audits - Audits are primarily a compliance improvement activity. OCR will review and analyze information from the final reports. The aggregated results of the audits will enable OCR to better understand compliance efforts with particular aspects of the HIPAA Rules.
- Should an audit report indicate a serious compliance issue, OCR may initiate a compliance review to further investigate.

For more information visit: <http://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/audit/index.html>

FairWarning Patient Privacy Intelligence and the audits

In the 2012 audits, Audit Controls (user activity monitoring) was found to be the #1 deficiency in the first twenty audits, and the number 1 technical security deficiency at the completion of all 115 audits.

FairWarning Patient Privacy Intelligence provides an end-to-end solution to organizations to comply with their obligations in the area of Audit Controls. Our solution delivers actionable application security insights on a wide range of areas of user activity from snooping, changes in user behaviors using statistical analysis and trending to security events such as simultaneous log-ins and access after termination. It provides one place to monitor, document reviews, record investigations into suspicious behaviors and provide centralized governance reporting.

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FairWarning Patient Privacy Intelligence maps directly or indirectly to 31 of the 2016 audit protocol elements and influences many others, which are focused on both the management process and audit controls for applications containing PHI.

Audit Areas FairWarning delivers value in are:

- HIPAA Security Technical Safeguard - Audit Controls
- HIPAA Security Administrative Safeguard - Information Systems Activity Review
- HIPAA Security Administrative Safeguard - Sanctions
- HIPAA Security Administrative Safeguard - Information Access Management
- HIPAA Privacy Administrative Requirement - Mitigation
- HIPAA Privacy Administrative Requirement - Complaint responses
- HIPAA Privacy Administrative Requirement - Workforce Training
- ARRA HITECH Privacy Provisions

FairWarning mapping to current protocol: <http://www.fairwarning.com/hipaa-protocol-mapping>

FairWarning Identity Intelligence

FairWarning Identity Intelligence provides enhanced security of customer data by providing the clearest picture possible of users and their behaviors within a customer's organization.

Identity intelligence provides the following values:

- Improves your visibility into your users across your organization
- Building block for higher quality searches and privacy and security intelligence
- Dramatically reduce cost of compliance
- Leverage FairWarning Investment
- Analyze workloads and operations to identify the access needs of all users
- Fill gaps in existing HIPAA Access Control processes
- Review and update user access
- Ensure all users have been assigned a unique identifier
- Terminate access if it is no longer required
- Complement existing provisioning workflow processes
- Access & improve Identity Management (IAM) vendor solutions

Identity Intelligence is part of the FairWarning Patient Privacy Intelligence platform.

Additional resources:

FairWarning Whitepaper: <http://www.fairwarning.com/wp-content/uploads/2015/08/2013-04-WP-FAIRWARNING-AUDIT-READINESS1.pdf>

Health IT Security: <http://healthitsecurity.com/news/ocr-releases-details-of-phase-2-hipaa-audits-starting-soon>

Health Data Management: <http://www.healthdatamanagement.com/news/ocrs-hipaa-audit-letters-already-in-the-mail>