INFO SHEET

HIPAA Compliance and Enforcement: The Importance of Staff Training

Tips for Maintaining a Compliant HIPAA Program

Given the rise in telehealth, expanding requirements under the 21st Century Cures Act on April 5, 2021, and other factors impacting health information privacy and security, there's never been a better time to revisit the HIPAA enforcement process and reestablish the importance of employee training.

Typical HIPAA Enforcement Process

1. Office for Civil Rights (OCR) receives HIPAA complaint

2. OCR conducts investigation, possibly a compliance review

3. OCR may assign civil monetary penalties and can work with the Department of Justice (DOJ) to determine if criminal penalties are necessary

4. OCR works with covered entities that settle and agree to develop a corrective action plan (CAP)

The top 3 issues in investigated cases[1]:

Improper uses and disclosure of PHI

Lack of safeguards to protect PHI

Lack of patient access to PHI

HIPAA Enforcement Penalties »»

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HIPAA Enforcement Penalties

HIPAA fines can range from

$100–$1.5M

per incident[2]

The number of OCR penalties given for HIPAA violations has increased by over

70%

in 2020 compared to recent years[2]

33%

of healthcare organizations have no policy for disposing of confidential paper documents[3]

Since 2003, OCR has settled or imposed monetary penalties totaling over

$135M[4]

HIPAA Training is Required:

Within weeks—not months—of hiring a new employee, and before exposure to PHI

When there is a change in workplace policies, procedures, or technology

As soon as the Department of Health and Human Services (HHS) implements new guidance or requirements

Periodically, often interpreted at a minimum as annually

Sources:

1. https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/data/top-five-issues-investigated-cases-closed-corrective-action-calendar-year/index.html
2. https://www.hipaajournal.com/hipaa-violation-cases
3. Shred-it's 2020 Data Protection Report
4. https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/data/enforcement-highlights/index.html

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