

# IS YOUR DATA HIPAA COMPLIANT?

For healthcare organizations, data is both a valuable digital asset and a potential liability. Data can fuel innovation, but it's also become increasingly difficult for organizations to abide by the Health Insurance Portability and Accountability Act (HIPAA).

Healthcare data often resides in a number of different IT systems — from on-premise to SaaS applications to multi-cloud environments.

**HIPAA dictates that the data must be secure, wherever it exists: in motion, at rest, or in use.**

This is proving beyond even reputable and well-established healthcare organizations.

## HOW COMMON IS NON-COMPLIANCE?



Between 2009 and 2021, 4,419 healthcare data breaches of 500 or more records were reported to the HHS' Office for Civil Rights<sup>1</sup>.

Those breaches resulted in the loss, theft, exposure, or impermissible disclosure of 314,063,186 healthcare records<sup>1</sup>.

That equates to more than 94.63% of the 2021 population of the United States<sup>1</sup>.

Between March 2021 and February 2022, there were 723 reported data breaches of 500 or more records<sup>2</sup>.

**There were just 34 incidents of data loss or theft in 2021 — down from 150 in 2013 thanks to tools like encryption<sup>3</sup>.**

There were 5 incidents of improper disposal of data in 2021, compared to 16 in 2020<sup>3</sup>.



## WHAT ARE THE MOST COMMON CAUSES OF HIPAA VIOLATIONS?

Accessing the health records of patients for any reason other than treatment, payment, or other healthcare operations.

Failure to perform an organization-wide risk analysis.

Failure to implement a risk management process.

Denying patients access to their health records or exceeding the timescale for providing access.

Failure to enter into a compliant business associate agreement.

Insufficient control of access to electronic Protected Health Information (ePHI).

Failure to use encryption or an equivalent measure to safeguard ePHI on portable devices.

Exceeding the 60-day deadline for issuing breach notifications.

Impermissible disclosures of PHI.

Improper disposal of PHI. For example, failing to shred documents that contain PHI<sup>4</sup>.



## WHAT HAPPENS IF YOU'RE NOT COMPLIANT?

Those breaches resulted in the loss, theft, exposure, or impermissible disclosure of 314,063,186 healthcare records<sup>1</sup>. In 2020, Premera Blue Cross settled potential violations of the HIPAA Rules and paid a \$6,850,000 penalty to resolve its 2015 data breach<sup>3</sup>

In 2021, a \$5,000,000 settlement was agreed with Excellus Health Plan to resolve HIPAA violations that contributed to its 2015 data breach of the PHI of almost 9.4 million people<sup>3</sup>

For individuals, civil penalties for HIPAA violations start at \$100 per violation<sup>5</sup>

The fine can rise to \$25,000 if there have been multiple violations of the same type<sup>5</sup>

The minimum fine for a willful, criminal violation of HIPAA Rules is \$50,000<sup>5</sup>

The maximum criminal penalty for a HIPAA violation by an individual is \$250,000<sup>5</sup>

That equates to more than 94.63% of the 2021 population of the United States<sup>1</sup>.



## WHAT'S THE MOST EFFECTIVE TREATMENT?

**Protegrity allows you to unleash the full potential of your data while staying HIPAA compliant.**

Our processes and solutions are dynamically updated to meet the ever-evolving regulatory compliance requirements and provide authorized, role-based access throughout your enterprise. With proper protection in place, your organization is liberated to pursue competitive initiatives, explore AI and ML safely, and improve patient and business outcomes with confidence. It's everything you need to fuel innovation and gain a competitive advantage through data.

**Schedule a demo with us today at [www.protegrity.com](http://www.protegrity.com)!**

### Resources

- <https://www.hipaajournal.com/healthcare-data-breach-statistics/>
- <https://www.hipaajournal.com/february-2022-healthcare-data-breach-report/>
- <https://www.hipaajournal.com/healthcare-data-breach-statistics>
- <https://www.hipaajournal.com/common-hipaa-violations/>
- <https://www.hipaajournal.com/what-happens-if-you-break-hipaa-rules/>