Potential Hot Topics

- Recent OCR Guidance
  - Right of access questions
  - Guidance on allowing third parties (e.g., media) into treatment areas
  - Ransomware
- Relationship between Privacy Officer and Security Officer
- Thoughts on Recent OCR Enforcement Trends
- Should HIPAA Be Repealed or Changed?

Enforcement Highlights

- **OCR Settlements**
  - 45 settlements
  - $58,455,200
  - 31 of 48 enforcement actions arose from breach reports to HHS

- **Civil Monetary Penalty Actions**
  - 3 actions
  - $1,299,004
  - Average settlement amount
  - 4 required an external monitor
  - 6 required an internal monitor
  - Monitor required in 8 out of 48 actions
Enforcement Highlights

Average minimum length of a corrective plan: APPROXIMATELY 2 YEARS

12 actions by state attorneys general in just over 6 years:

- Massachusetts: 5
- New York: 2
- Vermont: 1
- Connecticut: 2
- Indiana: 1
- Minnesota: 1

Average attorney general enforcement action: $347,909*

*may represent financial settlements associated with claims unrelated to HIPAA violations

Enforcement Highlights (as of 12/31/16)

Administrative Resolutions, 89,448, 63%
Corrective Action, 24,774, 18%
Technical Assistance, 17,905, 11%
No Violation, 11,133, 8%
Settlement/CMP, 41, 0%

Settlements/CMP - 41, 0%
No Violation - 11,133, 8%
Technical Assistance - 17,905, 11%
Corrective Action - 24,774, 18%
Administrative Resolutions - 89,448, 63%

Average Settlement Amount

<table>
<thead>
<tr>
<th>Year</th>
<th>Settlement Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>$0</td>
</tr>
<tr>
<td>2009</td>
<td>$300,000</td>
</tr>
<tr>
<td>2010</td>
<td>$632,765</td>
</tr>
<tr>
<td>2011</td>
<td>$879,800</td>
</tr>
<tr>
<td>2012</td>
<td>$786,058</td>
</tr>
<tr>
<td>2013</td>
<td>$1,196,017</td>
</tr>
<tr>
<td>2014</td>
<td>$1,052,203</td>
</tr>
<tr>
<td>2015</td>
<td>$1,938,792</td>
</tr>
<tr>
<td>2016</td>
<td>$1,337,500</td>
</tr>
<tr>
<td>2017</td>
<td>$2,587,588</td>
</tr>
</tbody>
</table>
## CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Name</th>
<th>Company/Position</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marti Arvin</td>
<td>CynergisTek, Inc.</td>
<td><a href="mailto:Marti.Arvin@Cynergistek.com">Marti.Arvin@Cynergistek.com</a></td>
<td>(512) 402-8550</td>
</tr>
<tr>
<td>Adam Greene</td>
<td>Davis Wright Tremaine LLP</td>
<td><a href="mailto:AdamGreene@dwt.com">AdamGreene@dwt.com</a></td>
<td>(202) 973-4213</td>
</tr>
</tbody>
</table>