Healthcare

The Causes of Healthcare Breaches At A Glance

Pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), covered entities (e.g. healthcare providers and health plans) must notify the Department of Health and Human Services ("HHS") of breaches of unsecured protected health information ("PHI").[1] The information provided to HHS provides companies with a high level of insight concerning the types of breaches that occur in the health care industries.

The data collected by HHS concerning breaches affecting 500 or more individuals in 2014 shows that low-tech breaches remain the most common form of data loss in the health sector – surpassing the more publicized hacking events.

The quantity of breaches caused by theft of hardware of all types.[2]	The quantity of theft caused by stolen laptops.[2]	The quantity of breaches caused by hacking/IT intrusions.[2]	The quantity of breaches caused by improper disposal.[2]
36%	30%	9%	2%

Things to consider when reviewing your information security program in light of HHS data:

- ✓ Are all laptops encrypted?
- ✓ Is laptop encryption full-disk (i.e., does it apply to the entire hard drive)?
- ✓ Is laptop encryption also file-level (i.e., would it apply if the file were removed from the hard drive)?
- ✓ Do we permit other types of portable media in our environment like USB drives?
- ✓ If so, are those devices encrypted at the disk or file-level?
- ✓ Are passwords enforced on laptops and other types of portable media?

Bryan Cave's Healthcare Team and Global Data Privacy and Security Team can help you devise a data security program that is compliant with HIPAA, and implement measures to mitigate the risk and damages resulting from a breach.

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[1] 45 C.F.R. §164.408(a)-(b).

[2] https://ocrportal.hhs.gov/ocr/breach/breach_report.jsf (last reviewed March 2015).