

Your Privacy & Information Security Program: Preventative Care or Open Heart Surgery

Presented by:
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Agenda



- Preventative Medicine is good for you
- What you need to be prepared for and why
- Creating convincing arguments for more privacy and information security resources
- Questions

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Preventative Medicine is Good for You



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Life lessons applied to privacy and security programs

- How many of you have heard the following quotes or sayings?
 - An ounce of prevention is worth a pound of cure Ben Franklin
 - An apple a day keeps the doctor away
 - Penny wise, pound foolish
 - Failing to plan is planning to fail Alan Lakein
 - Treatment without prevention is simply unsustainable Bill Gates

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We all know this but . . .


- It is still difficult at convince your governing body a good preventative strategy is important
- What can you do to help them put the risk in context?
- What are the resources that can help you, they are not just in health care.

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Helpful tools to convince your leadership


- 1 Use the recent Ponemon study
- 2 Benchmark with colleagues
- 3 Find out what the OCR is focusing on

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Ponemon study 


- Average cost per record of a data breach is \$221
- Average cost per record in healthcare is \$402
- Total average cost for breach paid by organizations increased from \$6.53 million in 2015 to \$7.01 million in 2016
- About 2/3 or the cost is in indirect costs


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Responding to data breach takes you away from operations 

- What is the impact on your program's daily operations?
- What are you spending on responding that would have been better spent on prevention?

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What you need to prepare for and why 


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Preventative care prescriptions

- Know your business associates
- Be prepared for the inevitable breach incident
- Be prepared for an OCR audit or investigation

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Preventative prescription #1



- Know who your business associates are
- Know whether you have agreements with them
- Know if your agreements have been updated
- Know something about their processes

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Preventative prescription # 2



Take the pulse of your business associate, how healthy are they?

- Did you ask about their risk assessment process before initiating an agreement with them?
 - Do you do this on an ongoing basis?

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Preventative prescription # 3

Be prepared for the inevitable breach incident


The average cost for mitigating a data breach is over \$400 per record
Ponemon 2016 Cost of Data Breach Study: United States

OCR website - 25% of the complaints from Hawaii are investigated

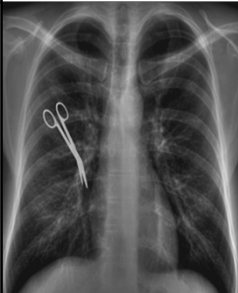
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Preventative prescription # 3

- Are you looking at your system to see if there is inappropriate activity
 - Two recent OCR resolutions agreements related to failure to assess user accesses





Preventative prescription # 3



- How do you prepare to respond when you find something
- Have you identified
 - Who will be involved?
 - Who will decide if notification is necessary?


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Preventative prescription # 3 



- Do you have agreements in place for potentially needed vendors?
 - Breach response services
 - Forensic services
- What would a significant settlement mean to the health of your organization?


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Preventative prescription # 3 cont. 

OCR is well in to Phase II of its audit program

While you might not have been selected for a desk audit you could be selected for a more extensive onsite audit

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Is selected for an audit are you prepared? 

- OCR has set specific timelines
 - Covered entities will not get “credit” for documents produces after the deadline
- Lack of comprehensive risk assessments and ongoing risk management has been a key findings
 - Phase I of the audits
 - A number of the resolution agreements

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Creating convincing arguments for more privacy and information security resources



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Convincing senior leaders

- Everything I have already said
- Because of breach notification requirements you must tell on yourself.
 - You cannot hide anymore
- The argument that your organization did not have sufficient resources to fix an issue is not good enough

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Convincing senior leaders

- The fines and penalties will likely be in seven figures
- If not seven figures, still an amount impactful to the organization's bottom line

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Convincing senior leaders

- What the organization will send on
 - Legal fees
 - Consultants
 - Other outside assistance
 - Internal resources pulled away from their normal job duties
 - Other business processes might suffer.
- None of the above expenditures go to providing patient care or fixing the problem

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And if that does not convince them



Here is what OCR will be doing!!!

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And if that still does not convince them

- Here is what the attorneys and consultants will be doing



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And if that still does not convince them

- Here is what they will feel like.



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Questions

Questions?

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