

## Eli's Hospice Insider

### HIPAA: New HIPAA Audits Could Cost You

#### Get ready for a second round of OCR audits.

Now that the Phase 1 audits have finished, the **HHS Office for Civil Rights** is poised and ready to begin the second round of HIPAA audits. Are you prepared for OCR to knock on your door?

Phase 1 pilot audits that OCR conducted in 2011 and 2012 focused on covered entities (CEs) only. But the Phase 2 audits will involve both CEs and business associates (BAs), according to **McDermott Will & Emery** attorneys in an article published in The National Law Review.

"Unlike the Phase 1 audits, OCR will conduct the Phase 2 audits as desk reviews with an updated audit protocol and not on-site at the audited organization," MWE noted. And OCR will post the Phase 2 audit protocol on its website so you can use it for your internal compliance assessment.

OCR itself will conduct the Phase 2 audits and will focus on more high-risk areas, explained attorneys **Adam Greene** and **Rebecca Williams** in a recent advisory from the law firm **Davis Wright Tremaine**. OCR may also potentially integrate the audits into its formal enforcement program.

This means that if "an audit reveals a serious compliance concern, OCR may initiate a compliance review of the audited organization that could lead to civil money penalties," MWE warned.

#### Pay Close Attention To These Areas

And in the Phase 2 audits, OCR will target HIPAA standards with the highest numbers of noncompliance in the Phase 1 audits (see below for more details). According to MWE, these standards are:

- Risk analysis and risk management;
- Content and timeliness of breach notifications;
- Notice of privacy practices (NPP);
- Individual access;
- Privacy standards' reasonable safeguards requirement;
- Training to policies and procedures;
- Device and media controls; and
- Transmission security.