



## OCR Update: HIPAA Phase 2 Audit Notices—Responses Due July 22, 2016

H. Carol Saul and Madison M. Pool

On July 11, 2016, e-mail notification was sent to 167 covered entities alerting them of their inclusion in the desk audit portion of OCR's 2016 HIPAA audit program. Selected covered entities must respond no later than July 22, 2016. In a second wave, desk audits of business associates will occur this fall.

OCR recommends that all covered entities check their spam filters and junk mail folders for emails from [OSOCRAudit@hhs.gov](mailto:OSOCRAudit@hhs.gov). OCR sent two e-mails to those selected, so covered entities included in the desk audits should locate and carefully review both e-mails. The e-mails include documentation requests (including a request for a complete list of the covered entity's business associates), instructions for responding, and a link to use in submitting the requested documents, as well as information about an upcoming OCR webinar to explain the audit process.

OCR's desk audits will examine the selected covered entities' compliance with the HIPAA Privacy, Breach Notification, and Security Rules, with a specific focus on the following:

- Privacy Rule:
  - Notice of Privacy Practices & Content Requirements [§164.520(a)(1) & (b)(1)]
  - Provision of Notice – Electronic Notice [§164.520(c)(3)]
  - Right to Access [§164.524(a)(1), (b)(1), (b)(2), (c)(2), (c)(3), (c)(4), (d)(1), (d)(3)]
- Breach Notification Rule:
  - Timeliness of Notification [§164.404(b)]
  - Content of Notification [§164.404(c)(1)]
- Security Rule:
  - Security Management Process -- Risk Analysis [§164.308(a)(1)(ii)(A)]
  - Security Management Process -- Risk Management [§164.308(a)(1)(ii)(B)]

Because of the very short time frame allowed for response and the recent increase in OCR HIPAA-related enforcement and penalties, selected covered entities should prioritize responding.

For more information, see:

- [HIPAA Privacy, Security, Breach Notification Audit Program<sup>1</sup>](http://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/audit/index.html)
- [Phase 2 HIPAA Audits Underway: What Covered Entities and Business Associates Need to Know<sup>2</sup>](http://www.agg.com/Phase-2-HIPAA-Audits-Underway-What-Covered-Entities-and-Business-Associates-Need-to-Know)
- [Charges for Medical Records: Are You Compliant with HIPAA?<sup>3</sup>](http://www.agg.com/Charges-for-Medical-Records-Are-You-Compliant-with-HIPAA)

1 <http://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/audit/index.html>

2 <http://www.agg.com/Phase-2-HIPAA-Audits-Underway-What-Covered-Entities-and-Business-Associates-Need-to-Know-03-28-2016/>

3 <http://www.agg.com/Charges-for-Medical-Records-Are-You-Compliant-with-HIPAA-06-28-2016/>

## Authors and Contributors

---

**H. Carol Saul**

Partner, Atlanta Office  
404.873.8694  
carol.saul@agg.com

**Madison M. Pool**

Associate, Atlanta Office  
404.873.8514  
madison.pool@agg.com

not *if*, but *how*.<sup>®</sup>

## About Arnall Golden Gregory LLP

---

Arnall Golden Gregory, a law firm with more than 150 attorneys in Atlanta and Washington, DC, employs a “business sensibility” approach, developing a deep understanding of each client’s industry and situation in order to find a customized, cost-sensitive solution, and then continuing to help them stay one step ahead. Selected for The National Law Journal’s prestigious 2013 Midsize Hot List, the firm offers corporate, litigation and regulatory services for numerous industries, including healthcare, life sciences, global logistics and transportation, real estate, food distribution, financial services, franchising, consumer products and services, information services, energy and manufacturing. AGG subscribes to the belief “not if, but how.” Visit [www.agg.com](http://www.agg.com).

**Atlanta Office**

171 17th Street, NW  
Suite 2100  
Atlanta, GA 30363

**Washington, DC Office**

1775 Pennsylvania Avenue, NW  
Suite 1000  
Washington, DC 20006

To subscribe to future alerts, insights and newsletters: <http://www.agg.com/subscribe/>