



What's Current? The Health Information Technology for

Economic and Clinical Health Act (HITECH) requires covered entities and business associates, as well as vendors of personal health records, to provide notice of information security breaches affecting “unsecured protected health information” or “unsecured personal health record information”.

A *reasonable* response to this requirement is to assess the potential encryption solutions and other security controls that may be deployed in an integrated manner to protect the PHI within applications and electronic technologies to meet the “Safe Harbor” guidance in HITECH.

The HITECH Act's interim final breach notification rule, published in the fall of 2009, spelled out when major breaches affecting 500 or more individuals must be reported to federal authorities as well as those affected. But the rule contained a significant “safe harbor” provision, exempting the reporting of breaches of data that was encrypted in compliance with specific NIST guidelines.

The HITECH Act, as well as HIPAA and other federal rules, all stop short of mandating encryption. But because a majority of the major breaches reported to federal authorities so far have involved the theft or loss of unencrypted computer devices and media, many organizations are considering making widespread use of encryption.

Approaching breach prevention through encryption alone, however, is not the right approach. Such a strategy is costly and can have an adverse effect on system performance and create a false sense of security.

Safe Harbor provides an excellent vantage point for considering a data security strategy. It focuses on a worst case scenario and an absolute solution for avoiding notification. It is silent on all other measures that might obviate the need for encryption. Many security controls and technologies have overlapping and complimentary affects that if applied properly can address multiple HIPAA/HITECH requirements.

CynergisTek's Safe Harbor Strategy Workshop is a focused consulting engagement, delivered across a two-day site visit, that addresses the continuum of considerations related to the achievement of a Safe Harbor posture that is sensitive to solution(s) cost, system impact, user impact and maintenance/administration. In this facilitated strategy workshop, we will:

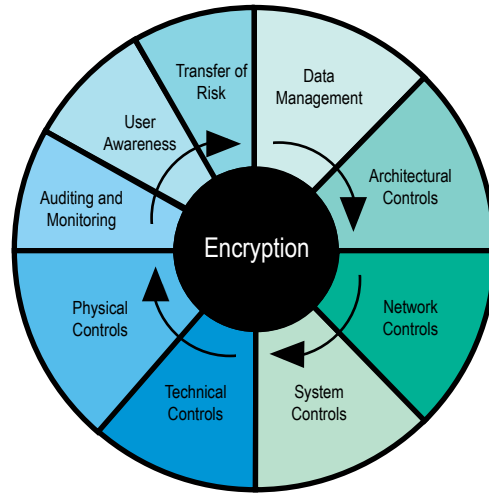
- Analyze your environment to understand breach risks by taking a life cycle approach to mapping protected health information in the enterprise.
- Follow a systematic approach to evaluating enterprise security controls as well as encryption needs.
- Address technology, process and people requirements in developing a broader, well-balanced, integrated approach to security, resulting in a “safe harbor” breach prevention strategy.
- Plan for and understand why the use of encryption needs to change over time as the IT environment changes.

Shortcut

- Regulatory Reference: 45 CFR §164.514(b)
- Organizations that implement controls consistent with HITECH's guidance achieve “Safe Harbor” from breach notification requirements
- Encryption is part of the solution but other security controls contribute to Safe Harbor
- Develop an organizational strategy specifically to achieve Safe Harbor protection

The deliverables from this workshop will include a **gap analysis** and a **remediation/readiness plan**. Go-forward advisory services to help you implement the plan are available on demand.

If Safe Harbor is not your goal, but you are driven to ensure integrity and resiliency of your data center operations and data management, this workshop is also designed for you.



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