

GUIDE:

How to Protect Yourself from a HIPAA Fax Breach





Who This Guide is For

If you work in healthcare, need to fax, and routinely handle sensitive patient information then this guide is for you.

HIPAA compliance is mandatory for three types of organizations – covered entities, business associates, and hybrid organizations.

Covered entities can be a health plan, a health care clearinghouse, or health care providers who electronically submit health information. Business associates are “people or entities that perform certain functions that involve the use of protected health information (PHI).”

A HIPAA violation is a failure to comply with any aspect of HIPAA standards and provisions detailed in detail in 45 CFR Parts [160](#), [162](#), and [164](#).

It only takes one person mishandling PHI to incur a HIPAA violation for the entire office--so it is much more than just posting a notice on the wall and hoping employees will be responsible.

Faxes, due to their ubiquity, frequency of use, and ability to make simple errors, pose a significant compliance problem.

What Would a Fully HIPAA-Compliant Fax System Look Like?

Given the above, how can your office maintain HIPAA compliance with fax?

Per the [HIPAA site](#), a fully-compliant fax system needs to have a complete audit trail

from beginning to end for any PHI. This means knowing:

1. The location of the PHI at all points and
2. The user in charge of PHI at all points

A ledger, written or digital, needs to be kept to truly comply with all requirements of the law. In essence, you need to be able to account for the time, location, and person of any PHI.



Why HIPAA Compliance is Tough for Fax

Faxing presents a unique challenge due to how easy human error can creep in (just inputting one digit incorrectly can incur a violation) and how difficult it is to maintain an audit trail on traditional fax systems.

4 factors make fax uniquely difficult to control:

1. **Frequency of use** - Fax machines may be used 100 times or more per day in a busy medical office.
2. **Multiple users** - Different users are faxing items at different times. Maintaining a pure audit trail is very difficult.
3. **Poor standards** - Fax machines are oftentimes placed in the open office spaces as opposed to put into secure, separate rooms.

4. **Ease of making errors** - One erroneous digit or one time forgetting to include a fax cover sheet can result in significant damage.

Many HIPAA faxing violations are not caused by maliciousness or recklessness--but rather by simple error and failure to maintain a compliant faxing environment.

Essential Ways to Make Your Faxing HIPAA Compliant

Physical fax

VS

Cloud fax

Fortunately, there are several ways to mitigate HIPAA risk with faxing:

1. **Control User Access** - Physical fax machines should be in separate rooms with controlled access and have a written log of users entering and exiting the room. Health providers should know who was faxing and when they were faxing and whether there was any potential breach of an unauthorized user entering the room.

Cloud-based faxing is much simpler since there are unique logins for each user and IPs can be tracked to ensure that the “correct” user is faxing at all times.

2. **Ensure Document Control Processes** - Document control processes are critical when dealing with physical fax machines. You must be able to track each paper document from the moment it is created, until it is faxed and received, and ensure that it is shredded immediately thereafter.
3. **Cloud-based faxing has user-permissions** built in and automatic storage that prevents unauthorized access. There is significantly less risk of a document being lost since oftentimes they can remain in the cloud instead of needing to be printed.



4. Maintain an Audit Trail - As written in the “What Would a Fully HIPAA-Compliant Fax System Look Like?” section, you must be able to account for the time, location, and person in charge of all PHI while it is “in the wild.” For physical fax this requires a written or digital log of any paper containing PHI that is originating from the healthcare office.

For cloud-based faxing this is again much simpler. Most cloud-based fax systems retain the records within the application and there is no need to maintain a separate log.

5. Undergo Routine Risk Assessments - Regardless of whether you use physical fax, cloud fax, or some combination of the two, it is critical to run annual HIPAA risk assessments and plug any gaps in your document processes.

Remember, you must be able to account for the time, location, and person in charge of any PHI or else you run the risk of a violation.



How Cloud Fax Can Help

You are never going to have employees who can and do follow your best-written SOPs. You are never going to have audit trails for every single fax – it is just not feasible when you are doing everything else to manage your office and make it productive. Therefore, there is no way that you can actually prevent a breach from happening.

That's why it is just a lot easier and more efficient to go with a cloud fax provider. Here at mFax, we know that keeping your patient information safe is the herald to your success. Just as importantly, your reputation is at risk.



HOW WE SAFEGUARD YOUR DATA:

- **Encrypted Document Exchange** - Fax protocol has inherent security features that make it an attractive means to transmit documents. We add to this by utilizing encryption technology whenever documents are transported to/from our network.
- **At Rest Encryption** - All sensitive data is encrypted at rest. This means it cannot be accessed in any usable form outside of our secure web portal.
- **Secure Socket Layer Protocol** - Our web interface and API access is accessible only through secure HTTPS connections.
- **Audit Trails** - All document transmissions and log on/log off events are logged and recorded along with associated IP addresses.
- **User Authentication** - All system access points require user authentication to access any secure data. We also implement auto-logout features for additional protection. The system includes advanced administrative controls with customizable user permissions and roles.
- **Data Center Security** - All web servers, application servers, and databases are housed in state-of-the-art SSAE16 Type II secured facilities with redundant hardware, power, and internet connectivity.

Ready to switch to a HIPAA-complaint cloud fax solution?