

August 2020



COMPLIANCE HOTLINE
877-780-9367

COMPLIANCE CONNECTION: Providing Relevant Issues and Hot Topics

IN THIS ISSUE

FEATURE ARTICLE

Zoom Reaches Settlement with NY Attorney General Over Privacy and Security Issues

HIPAA Humor (See Page 2)

HIPAA Quiz (See Page 2 for Question & Answer)

DID YOU KNOW...



HIPAA Privacy Rule: Myths & Facts

Myth: HIPAA Prohibits Email Correspondence Between Doctors and Patients

"Emails get a lot of flak for being easy to breach and steal. Naturally, this means HIPAA doesn't allow healthcare providers to use them when corresponding with a patient, right?"

Fact: The HIPAA Privacy Rule allows providers to use many different means of communication, up to and including emails.

Of course, HIPAA expects healthcare providers to use appropriate safeguards, such as encryption, to communicate with patients. Confidentiality of patient health data must be secured, especially when transmitted electronically.

In other words, emails are a reasonable way of communicating with patients as long as adequate safeguards are in place.

Resource:

<https://www.qminder.com/hipaa-myths-debunked/>



zoom

ZOOM Reaches Settlement with NY Attorney General Over Privacy and Security Issues

Zoom has reached an agreement with the New York Attorney General's office and has made a commitment to implement better privacy and security controls for its teleconferencing platform.

Zoom has proven to be one of the most popular teleconferencing platforms during the COVID-19 pandemic. In March, more than 200 million individuals were participating in Zoom meetings with usership growing by 2,000% in the space of just three months. As the number of users grew and the platform started to be used more frequently by consumers and students, flaws in the platform started to emerge.

Meeting participants started reporting cases of uninvited people joining and disrupting private meetings. Several of these "Zoombombing" attacks saw participants racially abused and harassed on the basis of religion and gender. There were also several reported cases of uninvited individuals joining meetings and displaying pornographic images.

Then security researchers started uncovering privacy and security issues with the platform. Zoom stated on its website that Zoom meetings were protected with end-to-end encryption, but it was discovered that Zoom had used AES 128 bit encryption rather than AES 256 bit encryption and its end-to-end encryption claim was false. Zoom was also discovered to have issued encryption keys through data centers in China, even though meetings were taking place between users in the United States.

Read entire article:

<https://www.hipaajournal.com/zoom-reaches-settlement-with-ny-attorney-general-over-privacy-and-security-issues/>

DID YOU KNOW...



Notable settlements for common HIPAA violations include:

- Raleigh Orthopaedic Clinic, P.A. of North Carolina – \$750,000 settlement for the failure to execute a HIPAA-compliant business associate agreement.
- North Memorial Health Care of Minnesota – \$1.55 million settlement for failing to enter into a BAA with a major contractor and other HIPAA violations.
- Care New England Health System– \$400,000 settlement for the failure to update business associate agreements.

Resource: <https://www.hipaajournal.com/common-hipaa-violations/>



Georgia Hospital Accused of Falsification of COVID-19 Test Results Suspends Employees Over Suspected HIPAA Breach

Landmark Hospital of Athens in Georgia has suspended three employees who are suspected of accessing, copying or disclosing patient records. The potential HIPAA breach may be linked to a lawsuit that was filed against the 42-bed hospital on June 22, 2020 by four nurses who allege the hospital has been falsifying COVID-19 test results in what they describe as a "COVID-19 coverup".

The nurses allege that five of their patients had tested positive for COVID-19 after displaying symptoms and after the positive result, the hospital administrator reordered COVID-19 tests for those patients. The nurses allege that for the retests, samples were intentionally collected without following proper sampling protocols. They claim that this was done deliberately to reduce the chance of a positive test result.

The nurses, who are named as Jane Doe and John Doe in the lawsuit, are seeking immediate court intervention "to stop the hospital concealing and mishandling a COVID-19 outbreak in the facility." The nurses also want the hospital to temporarily stop receiving and discharging patients. The nurses also seek damages as they claim they have been unnecessarily exposed to COVID-19.

The nurses allege the falsification of COVID-19 test results allowed patients to be discharged, freeing up beds for other patients so the hospital could continue to bill Medicare for services and maintain patient volume.

Read entire article:

<https://www.hipaajournal.com/georgia-hospital-accused-of-falsification-of-covid-19-test-results-suspends-employees-over-suspected-hipaa-breach/>

HIPAAQuiz

The privacy rule's minimum necessary standard requires providers to:

- include all treatment-related disclosures in accountings of disclosures
- refrain from accessing PHI during emergencies
- determine who needs what information and only provide the necessary amount and type
- document all conversations that include PHI

Answer: c

Reason: Some staff members do not need access to PHI and others may need only partial access. HIPAA's minimum necessary standard requires staff members to consider this and judge who needs access to what information. The minimum necessary standard does not apply to treatment situations.



Alert Issued by Feds to Raise Awareness of Scams Related to COVID-19 Economic Payments

A joint alert issued has been issued by the IRS, DHS' Cybersecurity and Infrastructure Security Agency (CISA), and the Department of the Treasury to raise awareness of the risk of phishing and other cyberattacks related to the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

The CARES Act has made \$2 trillion available to support businesses and individuals adversely affected by the COVID-19 pandemic, which will help to reduce the financial burden through economic impact payments to eligible Americans. CARES Act payments are being used as a lure in phishing attacks to obtain personal and financial information and attempts have been made to redirect CARES Act payments. All Americans have been urged to be on the lookout for criminal fraud related to the CARES Act and COVID-19.

The U.S. Government reports that many cybercriminal groups are using stimulus-themed lures in phishing emails and text messages to obtain sensitive information such as bank account information. Financial institutions have been asked to remind their customers to practice good cybersecurity hygiene and to monitor for illicit account use and creation.

Read entire article:

<https://www.hipaajournal.com/alert-issued-by-feds-to-raise-awareness-of-scams-related-to-covid-19-economic-payments/>

HIPAA Humor



Written by Daniel J. Solove

www.teachprivacy.com

Illustrated by Ryan Beckwith

LINK 1

University of California San Francisco Pays \$1.14 Million Ransom to Resolve NetWalker Ransomware Attack

<https://www.hipaajournal.com/university-of-california-san-francisco-pays-1-14-million-ransom-to-resolve-netwalker-ransomware-attack/>

LINK 2

NAAG Urges Apple and Google to Take Further Steps to Protect Privacy of Users of COVID-19 Contact Tracing Apps

<https://www.hipaajournal.com/national-association-of-attorneys-general-urges-apple-and-google-exercise-control-over-covid-19-contact-tracing-apps/>

LINK 3

Republicans and Democrats Introduce Competing Bills Covering COVID-19 Contact Tracing Apps

<https://www.hipaajournal.com/republicans-and-democrats-introduce-competing-bills-covering-covid-19-contact-tracing-apps/>

LINK 4

AMA Publishes Set of Privacy Principles for Non-HIPAA-Covered Entities

<https://www.hipaajournal.com/ama-publishes-set-of-privacy-principles-for-non-hipaa-covered-entities/>

THUMBS UP!!!

Thumbs Up To ALL Departments For Implementing Awareness of HIPAA, PII, PHI, ePHI & Social Media



- Main Campus
- West Campus
- Legends Park
- 501a Locations

