COMPLIANCE CONNECTION: Providing Relevant Issues and Hot Topics

IN THIS ISSUE

HIPAA privacy rule: Myths & Facts

Myth:

"I don't bill Medicare, so I don't need to follow HIPAA Rules."

Fact:

All covered entities must abide by HIPAA Privacy and Security Rules. Covered entities include healthcare providers, health plans and healthcare clearing houses. Only healthcare providers who do not transmit claims electronically meet an exception. Business Associates must also follow HIPAA Rules and a written Business Associate Agreement with the covered entity is part of the requirement. A lot can be learned by reviewing previous settlement announcements from The Office for Civil Rights, the agency in charge of ensuring HIPAA compliance.

Resource:
https://1sthcc.com/facts-5-hipaa-compliance-myths/

OIG Audit Reveals Widespread Improper Use of Medicare Part D Eligibility Verification Transactions

An audit conducted by the Department of Health and Human Services' Office of Inspector General (OIG) has revealed many pharmacies and other healthcare providers are improperly using Medicare beneficiaries' data.

OIG conducted the audit at the request of the HHS' Centers for Medicare and Medicaid Services (CMS) to determine whether there was inappropriate access and use of Medicare recipients' data by mail-order and retail pharmacies and other healthcare providers, such as doctors' offices, clinics, long-term care facilities, and hospitals.

CMS was concerned that a mail order pharmacy and other healthcare providers were misusing Medicare Part D Eligibility Verification Transactions (E1 transactions), which should be only be used to verify Medicare recipients' eligibility for certain coverage benefits.

OIG conducted the audit to determine whether E1 transactions were only being used for their intended purpose. Since E1 transactions contain Medicare beneficiaries' protected health information (PHI), they could potentially be used for fraud or other malicious or inappropriate purposes.

An E1 transaction consists of two parts – a request and a response. The healthcare provider submits an E1 request that contains an NCPDP provider ID number or NPI, along with basic patient demographic data. The request is forwarded onto the transaction facilitator which matches the E1 request data with the data contained in the CMS Eligibility file. A response is then issued, which contains a beneficiary's Part D coverage information.

Read entire article:
https://www.hipaajournal.com/oig-audit-reveals-widespread-improper-use-of-medicare-part-d-eligibility-verification-transactions/

DID YOU KNOW...

HIPAA settlements with covered entities for the failure to conduct an organization-wide risk assessment include:

- *Oregon Health & Science University – $2.7 million settlement*
- *Cardionet – $2.5 million settlement*
- *Cancer Care Group – $750,000 settlement*
- *Lahey Hospital and Medical Center – $850,000 settlement*

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

MIDLAND HEALTH

NEWS

WEBINAR: Solving the HIPAA Problem: Demonstration of Compliancy Group's Simplified HIPAA Compliance Process

Meeting all requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security, Omnibus, and Breach Notification Rules can be a major challenge.

Many healthcare organizations have established a compliance program and believed they were compliant, only to discover during a HIPAA audit or compliance review that they have failed to comply with one or more HIPAA provisions. Those mistakes can prove to be very costly.

Compliance failures can easily lead to a data breach or could result in a complaint being filed with the Department of Health and Human Services' Office for Civil Rights (OCR), the primary enforcer of HIPAA compliance.

OCR investigates complaints and data breaches to determine whether HIPAA Rules have been violated and conducts compliance audits to assess whether HIPAA covered entities and business associates of covered entities are complying with all aspects of HIPAA Rules.

Enforcement of compliance has stepped up in recent years. In 2018, OCR imposed $28,683,400 in financial penalties on covered entities and business associates in 11 enforcement actions and 10 compliance investigations resulted in financial penalties in 2019.

Solving HIPAA Compliance Issues – Compliancy Group understands the importance of HIPAA compliance and the difficulties HIPAA-covered entities and their business associates encounter when trying to implement and maintain an effective compliance program.

Read entire article:
https://www.hipaajournal.com/solving-the-hipaa-problem-demonstration-of-compliancy-groups-simplified-hipaa-compliance-process/

NEWS

Flaw in Walgreens Mobile App Secure Messaging Feature Exposed PHI

Walgreens has started notifying customers that some of their protected health information may have been accessed by other individuals as a result of an error in the personal secure messaging feature of the Walgreens mobile app.

The secure messaging feature allows registered customers to receive SMS prescription refill notifications and deals and coupons. An undisclosed error in the app was identified that allowed certain information in its database to be viewed by other customers.

Affected customers have been advised that one or more personal messages may have been viewed by other individuals between January 9, 2020 and January 15, 2020. The personal messages included patients' first and last names, drug name and prescription number, store number, and shipping address. Walgreens said health-related information was only exposed for a limited number of affected customers. The messages did not include any Social Security numbers or financial information.

According to a breach notice submitted to the California Attorney General on Friday, the error was detected by Walgreens on January 15, 2020. Walgreens immediately disabled message viewing to prevent any further unauthorized disclosures while the incident was investigated. Walgreens determined an internal application error was to blame and a technical correction was implemented to resolve the issue.

The Walgreens mobile app has been downloaded more than 10 million times from the Google Play store, but the error only impacted a small percentage of customers. According to the data breach summary on the Department of Health and Human Services' Office for Civil Rights breach portal, 6,681 individuals were affected by the breach. It is unclear how many personal messages were accessed by other customers as a result of the error.

Read entire article:
https://www.hipaajournal.com/flaw-walgreens-mobile-app-secure-messaging-feature-exposed-phi/

HIPAAQuiz

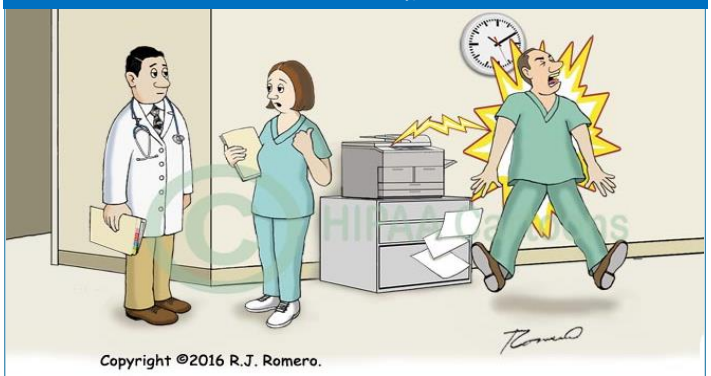
In regard to PHI, front desk staff should

a. *Make sure PHI is not easily viewable to others by closing files and turning computer monitors.*
b. *Refrain from disclosing PHI to physicians during an emergency.*
c. *Avoid using sign-in sheets.*
d. *Share computer passwords to speed up patient wait times.*

Answer: a

Reason: The front desk is one area where patient information can easily be exposed, so staff should make every effort to protect it. Ensure patients approaching the desk can't easily view another patient's confidential information, especially when you step away from the desk.

HIPAA Humor



"Oh, that's just a HIPAA compliant feature to remind you if you leave patient documents in the copier."

IN OTHER COMPLIANCE NEWS

LINK 1

53% of Healthcare Organizations Have Experienced a PHI Breach in the Past 12 Months

https://www.hipaajournal.com/53-of-healthcare-organizations-have-experienced-a-phi-breach-in-the-past-12-months/

LINK 2

University of Kentucky and UK HealthCare Impacted by Month-Long Cryptominer Attack

https://www.hipaajournal.com/university-of-kentucky-and-uk-healthcare-impacted-by-month-long-cryptominer-attack/

LINK 3

Relation Insurance and Rainbow Hospice Care Experience Email Security Breaches

https://www.hipaajournal.com/relation-insurance-and-rainbow-hospice-care-experience-email-security-breaches/

LINK 4

Protecting Jessica Grubbs Legacy Act Reintroduced by Sens. Manchin and Capito

https://www.hipaajournal.com/protecting-jessica-grubbs-legacy-act-reintroduced-by-sens-manchin-and-capito/

THUMBS UP!!!

Thumbs Up To ALL Departments For Implementing

MIDLAND HEALTH

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