

FEBRUARY 2020

REQUIREMENTS

TRANSPARENCY

POLICIES

COMPLIANCE

STANDARDS

REGULATIONS

LAW

COMPLIANCE CONNECTION

COMPLIANCE HOTLINE
877-780-9367

COMPLIANCE CONNECTION: Providing Relevant Issues and Hot Topics

IN THIS ISSUE

FEATURE ARTICLE

Does HIPAA Apply to Schools?

HIPAA Humor

(See Page 2)

HIPAA Quiz

(See Page 2 for Question & Answer)

DID YOU KNOW...



HIPAA privacy rule: Myths & Facts

Myth:

"While looking up a patient on the EHR, I accidentally looked up the wrong patient. This is a breach and it needs to be reported."

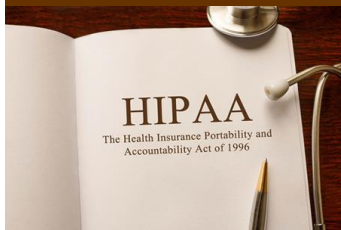
Fact:

Not every impermissible use or disclosure is considered a breach. Under HIPAA, there are exceptions to what is a true breach requiring breach notification, such as in this case. Keep in mind that if the impermissible use or disclosure does not meet one of the exceptions, there are strict deadlines to meet under the Breach Notification Protocol to avoid violations and subsequent penalties for untimely reporting. If more than 500 individuals are affected by the breach, your organization will be listed on HHS' Wall of Shame.

Resource:

<https://1stncc.com/facts-5-hipaa-compliance-myths/>

Does HIPAA Apply to Schools?



HIPAA applies to healthcare providers, health plans, healthcare clearinghouses, and business associates of those entities but how does HIPAA apply to schools? In this post we explore when HIPAA applies to schools and how the Health Insurance Portability and Accountability Act intersects with the Family Educational Rights and Privacy Act (FERPA).

Does HIPAA Apply to Schools?

Generally, HIPAA does not apply to schools because they are not HIPAA covered entities, but in some situations a school can be a covered entity if healthcare services are provided to students. In such cases, HIPAA may still not apply because any student health information collected would be included in the students' education records and education records are exempt from the HIPAA Privacy Rule as they are covered by FERPA.

More and more schools are offering healthcare services to their students. Medical professionals are employed by some schools, some have on-site health clinics, and they often dispense medications and administer vaccines. When healthcare services are provided, health information will be collected, stored, maintained, and transmitted. Even if a school employs nurses, psychologists, or physicians, schools are not usually classed as covered entities because they do not conduct healthcare transactions electronically for which the Department of Health and Human Services has adopted standards. Most schools fall into this category and are not covered entities so HIPAA does not apply.

Some schools employ a healthcare provider that conducts transactions electronically for which the HHS has adopted standards. In this case, the school would be classed as a HIPAA covered entity. The HIPAA Transactions and Code Sets and Identifier Rules would have to be followed when electronic transactions are conducted, but it would not be a requirement to comply with the HIPAA Privacy Rule if healthcare data is stored in education records, which are covered by FERPA. If health information is stored in education records, it is not classed as protected health information and is therefore not covered by the HIPAA Privacy Rule. The school would however have to comply with FERPA privacy requirements.

One scenario where the HIPAA Privacy Rule would apply is when a healthcare professional provides medical services such as vaccinations at the school but is not employed by the school. In this situation, the healthcare professional would be required to comply with HIPAA, the records would be covered by HIPAA while they are held by the healthcare professional, and that individual would be required to obtain authorization before the health information is disclosed to the school.

Read entire article: <https://www.hipaajournal.com/does-hipaa-apply-to-schools/>

DID YOU KNOW...



Leaving Portable Electronic Devices and Paperwork Unattended

The HIPAA Security Rule requires PHI and ePHI to be secured at all times. If paperwork is left unattended it could be viewed by an unauthorized individual, be that a member of staff, patient, or visitor to the healthcare facility. Were that to happen it would be considered an impermissible disclosure of PHI.





Hospital Employee Pleads Guilty to Five-Year Account Hacking Spree

The U.S. Department of Justice (DOJ) has announced that a former employee of a New York City hospital has pleaded guilty to using malicious software to obtain the credentials of co-workers, which he subsequently misused to steal sensitive information.

Richard Liriano, 33, of the Bronx, New York, was IT worker at the unnamed NYC hospital. As an IT worker, Liriano had administrative-level access to computer systems. He misused those access rights to steal information, which he copied onto his own computer for personal use.

He used a keylogger to obtain the credentials of dozens of co-workers at the hospital between 2013 and 2018. Those credentials allowed Liriano to login to co-workers' computers and online accounts and obtain sensitive information such as tax documents, personal photographs, videos, and other private documents and files. Other malicious software was also used to spy on his co-workers.

Liriano stole credentials to co-workers' personal webmail accounts, social media accounts, and other online accounts. Liriano also gained access to hospital computers containing sensitive patient information. According to the DOJ, Liriano's computer intrusions cost his employer around \$350,000 to remediate.

Between 2013 and 2018, Liriano accessed co-workers' computers and personal accounts on multiple occasions looking for sensitive information. The majority of his 70+ victims were female. The DOJ reports that Liriano conducted searches of their personal accounts looking for sexually explicit photos and videos.

The computer intrusions were discovered and Liriano was arrested on November 14, 2019. On December 20, 2019, Liriano pleaded guilty to one count of transmitting a program to a protected computer to intentionally cause damage.

Read entire article:

<https://www.hipaajournal.com/hospital-employee-pleads-guilty-to-five-year-account-hacking-spree/>

HIPAAQuiz

What should you tell an individual who asks for information about HIPAA or his or her privacy rights?

- Explain the organization's HIPAA privacy policies.
- Give copies of the organization's notice of privacy practices and tell the individual to direct further questions to the privacy officer.
- Ask whether the individual is a current patient. For current patients only, supply a copy of the notice of privacy practices.
- None of the above.

Answer: b

Reason: HIPAA's privacy rule requires healthcare organizations to provide patients with a notice explaining their rights and how the provider may use their PHI. Anyone—even people who are not currently patients—may receive a copy of this notice.

LINK 1

Discussion Draft of Federal Data Privacy Bill Released by House Energy and Commerce Committee

<https://www.hipaajournal.com/discussion-draft-of-federal-data-privacy-bill-released-by-house-energy-and-commerce-committee/>

LINK 3

Blue Cross Blue Shield of Minnesota Starts Correcting 200,000 Critical and Severe Vulnerabilities

<https://www.hipaajournal.com/blue-cross-blue-shield-of-minnesota-starts-correcting-200000-critical-and-severe-vulnerabilities/>

LINK 2

15 Million Customers Potentially Impacted by Ransomware Attack on Large Canadian Medical Testing Company

<https://www.hipaajournal.com/15-million-customers-potentially-impacted-by-ransomware-attack-on-large-canadian-medical-testing-company/>

LINK 4

HIPAA Enforcement in 2019

<https://www.hipaajournal.com/hipaa-enforcement-in-2019/>

DoE and OCR Issue Updated Guidance on Sharing Student Health Records Under FERPA and HIPAA

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE FOR CIVIL RIGHTS



The Department of Education and the Department of Health and Human Services' Office for Civil Rights have issued updated guidance on the sharing of student health records under the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA).

The guidance document was first released in November 2008 to help school administrators and healthcare professionals understand how FERPA and HIPAA apply to student educational and healthcare records. The guidance includes several Q&As covering both sets of regulations. Further questions and answers have been added to clear up potential areas of confusion about how HIPAA and FERPA apply to student records, including when it is permitted to share student records under FERPA and the HIPAA Privacy Rule without first obtaining written consent.

HIPAA applies to healthcare providers, health plans, healthcare clearinghouses, and business associates of those entities. HIPAA does not usually apply to schools, since health information collected by an educational institution would usually be classed as educational records under FERPA. The HIPAA Privacy Rule excludes educational records from the definition of protected health information, but there are instances where HIPAA and FERPA intersect.

The HIPAA Privacy Rule requires consent to be obtained prior to the sharing of health information for purposes other than treatment, payment, or healthcare operations.

Read entire article:

<https://www.hipaajournal.com/doe-and-ocr-issue-updated-guidance-on-sharing-student-health-records-under-ferpa-and-hipaa/>

HIPAA Humor



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

