

MARCH 2020

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COMPLIANCE CONNECTION: Providing Relevant Issues and Hot Topics

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DID YOU KNOW...



HIPAA privacy rule: Myths & Facts

Myth:

"In the waiting room, the nurse should not call out my name [PHI] when it's time to see the Doctor."

Fact:

This is an example of an **Incidental Use** which is permitted by HIPAA. However, there are many ways that PHI may be impermissibly disclosed from your facility. An unsuspecting employee can easily be the source of a breach of PHI by simply opening or sending an email. Staff training to recognize potential threats and vulnerabilities should be part of your Security Awareness Training and Security Management Process.

Resource:

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

Florida Clinic Worker Facing 22 Years in Jail for Wire Fraud and Aggravated Identity Theft



A former medical clinic worker in Florida who impermissibly accessed the protected health information of patients and sold the information to identity thieves has pleaded guilty to wire fraud and aggravated identity theft.

Stacey Lavette Hendricks, 49, of Leesburg, FL, had previously been employed as an administrative worker at several state medical clinics in Florida.

Her role gave her access to the protected health information of patients. Hendricks used her access to steal patient information from the unnamed medical clinics, including names, dates of birth, and Social Security numbers. That information was sold to identity thieves for cash and was also used to defraud businesses.

The United States Secret Service investigated the case. Hendricks was apprehended after she attempted to sell stolen patient information to an undercover law enforcement officer. A warrant was obtained to search her home and car and law enforcement officers found patient information stolen from the clinics related to 113 different patients.

Hendricks was charged in the United States District Court for the Middle District of Florida in Ocala and pleaded guilty to one count of wire fraud and two counts of fraud with identification documents: Aggravated identity theft and possession of means of identification with intent to commit felony. No date has currently been set for sentencing.

Hendricks now faces a maximum jail term of up to 20 years for the wire fraud charge and a mandatory 2-year consecutive term for aggravated identity theft.

Resource:

<https://www.hipaajournal.com/florida-clinic-worker-facing-22-years-in-jail-for-wire-fraud-and-aggravated-identity-theft/>

DID YOU KNOW...



Settlements for impermissible disclosures of PHI include penalty for filming patients without consent:

- Boston Medical Center – \$100,000 penalty
- Brigham and Women's Hospital – \$384,000 penalty
- Massachusetts General Hospital – \$515,000 penalty
- New York Presbyterian Hospital – \$2,200,000 penalty

Resource: <http://promos.hcpro.com/pdf/PPquiz.pdf>





CENTER FOR COUNSELING
& FAMILY RELATIONSHIPS



Center for Counseling & Family Relationships Confirmed as HIPAA Compliant

Center for Counseling & Family Relationships (CCFAM), a large group counseling private practice based in Fort Worth, TX, has announced the company has demonstrated compliance with Health Insurance Portability and Accountability Act (HIPAA) Rules after completing Compliancy Group's 6-Stage HIPAA risk analysis and remediation process.

Using Compliancy Group's proprietary HIPAA compliance tracking solution, The Guard, and assisted by its compliance coaches, CCFAM has demonstrated its policies and procedures are in line with HIPAA and the company has implemented an effective HIPAA compliance program.

CCFAM was founded in 2007 with just one counselor and office staff member and has now grown into a large practice offering more than 1,000 sessions a month. Privacy and confidentiality are critical to CCFAM and the children, teenagers, and adults the company serves.

CCFAM already complies with Texas licensure board rules and every effort was made to comply with HIPAA, but CCFAM owner, Dr. Rhonda Johnson, recognized the fact that staff HIPAA training had not changed much in the past 5 years, even though the company had grown considerably over the years and was now a large group private practice of administrative staff and counselors with many specialties.

Read entire article:

<https://www.hipaajournal.com/center-for-counseling-family-relationships-confirmed-as-hipaa-compliant/>

HIPAAQuiz

Your cousin is a patient at your practice. You are not involved in her treatment but would like to send her a get-well card. What is the best way to find out details about her treatment?

- Ask her physician for the information.
- Ask her directly.
- Access her medical record.
- Do nothing at all. HIPAA does not allow you to send her a get-well card.

Answer: b

Reason: The privacy rule includes a minimum necessary standard that requires providers to determine who needs what information and only provide the necessary amount and type.

HHS Issues Final Rule Requiring Pharmacies to Track Partially Filled Prescriptions of Schedule II Drugs



The Department of Health and Human Services has issued a final rule modifying the HIPAA National Council for Prescription Drug Programs (NCPDP) D.0 Telecommunication Standard that requires pharmacies to track partially filled prescriptions for Schedule II drugs. The modification is part of HHS efforts to curb opioid abuse in the United States and will provide a greater quantum of data that may help prevent impermissible refills of Schedule II drugs.

The final rule takes effect on March 24, 2020. The compliance date is September 21, 2020.

By September 21, 2020, pharmacies will be required to use the Quantity Prescribed (460-ET) field for retail pharmacy transactions for all Schedule II drugs. Pharmacies must distinguish in retail pharmacy transactions whether the full prescribed amount of a Schedule II drug has been dispensed in a refill, or if the prescription has only been partially filled.

Background:

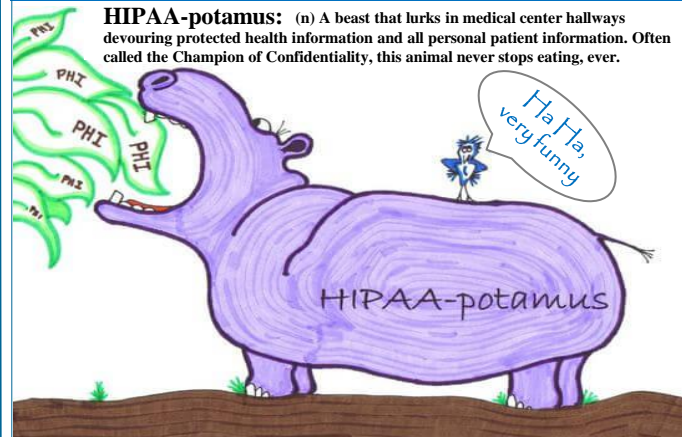
The NCPDP Telecommunication Standard was adopted by the Secretary of the HHS in January 2009 for pharmacy transactions (health care claims or equivalent encounter information, referral certification and authorization, and coordination of benefits).

Under the Controlled Substances Act, the refilling of Schedule II drugs is prohibited, but partial fills are permitted if a pharmacist has less than the prescribed amount in stock, for patients in long-term care facilities, and for patients with terminal illnesses.

Read entire article:

<https://www.hipaajournal.com/hhs-issues-final-rule-requiring-pharmacies-to-track-partially-filled-prescriptions-of-schedule-ii-drugs/>

HIPAA Humor



HIPAA-potamus: (n) A beast that lurks in medical center hallways devouring protected health information and all personal patient information. Often called the Champion of Confidentiality, this animal never stops eating, ever.

LINK 1

HHS Reminds Covered Entities of HIPAA Data Sharing Provisions in Light of Novel Coronavirus Outbreak

<https://www.hipaajournal.com/hhs-reminds-covered-entities-of-data-sharing-in-light-of-novel-coronavirus-outbreak/>

LINK 2

Health Share of Oregon Notifies 654,000 Members About Business Associate Data Breach

<https://www.hipaajournal.com/health-share-of-oregon-notifies-654000-members-about-business-associate-data-breach/>

LINK 3

New York Nursing Center and Phoenix Children's Hospital Affected by Phishing Attacks

<https://www.hipaajournal.com/new-york-nursing-center-and-phoenix-childrens-hospital-affected-by-phishing-attacks/>

LINK 4

Annual Cost of Insider Cybersecurity Incidents Has Risen 31% in 2 Years

<https://www.hipaajournal.com/annual-cost-of-insider-cybersecurity-incidents-has-risen-31-in-2-years/>

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

