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COMPLIANCE CONNECTION

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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: “Expect a big OCR fine if an email meant for one doctor lands in the wrong physician’s inbox.”

Fact:

An email with protected health information (PHI) accidentally sent to the wrong health provider is not likely to get doctors in trouble with the Office for Civil Rights. In the last 12 years, there have been 184,000 HIPAA-related complaints to OCR and only 55 resulted in financial settlements, according to research Ms. Savage conducted through the Department of Health & Human Services website. Of the 55 settlements, none were associated with PHI accidentally sent from one health provider to another, she said in an interview. “[The OCR] tends to seek fines for really eye-poppingly bad behavior,” Ms. Savage said, not small-scale accidents. For example, OCR fined one hospital for including the name of a patient in a press release without patient permission. Another health professional was fined for repeated failures to encrypt their computer system. If a document with PHI does end up in the wrong inbox, Ms. Savage advises calling the receiver and asking that they immediately delete the email.

Resource:

<https://www.the-hospitalist.org/hospitalist/article/172926/practice-management/5-hipaa-myths-digital-age>

CORPORATE COMPLIANCE AND ETHICS WEEK – WHAT’S IT ALL ABOUT? –



A short history

The “official” Corporate Compliance and Ethics Week was first observed in 2005 as an event that could assist members of Health Care Compliance Association (HCCA) and Society of Corporate Compliance and Ethics (SCCE) with the need to educate staff on the importance of compliance and ethics.

But the event’s roots actually go back to 2002, when two HCCA members, Gene DeLaddy and Cheryl Atkinson, wrote an article for Compliance Today telling others about an awareness program at their facility.

That event was called **Compliance Awareness Week**, and it was celebrated at the Carolinas HealthCare System in Charlotte, North Carolina.

The first National Corporate Compliance and Ethics Week was launched May 22-28, 2005. This year will be the 14th Annual Corporate Compliance and Ethics Week celebration. HCCA and SCCE have always co-sponsored the event, and early-on, took steps to sponsor a resolution in the U.S. Senate. That resolution would have allowed a National Corporate Compliance and Ethics week to be officially recognized by Congress. Unfortunately, the senators who were shepherding the proposed resolution left office before it made its way through. But by that time, Corporate Compliance and Ethics Week had taken hold among members of both HCCA and SCCE, and compliance professionals across the country. In the early years, the event was celebrated during in May. It was later moved to the first full week of November.

Why celebrate?

Corporate Compliance and Ethics Week offers a great opportunity to shine a spotlight on the importance of compliance and ethics at your organization. By having a designated week, you and your compliance staff can build awareness in ways that reinforce not just specific rules and regulations, but an overall culture of compliance. Using the “hook” of Corporate Compliance and Ethics Week, you can emphasize your overall message in several different ways.

The importance of employee education is emphasized by the U.S. Federal Sentencing Guidelines’ seven elements of an effective compliance and ethics program. The education element requires that steps be taken so all employees know and understand the compliance and ethics standards that they are expected to meet.

Resource:

<https://assets.hcca-info.org/portals/0/pdfs/resources/CCEW/WhyCelebrate.pdf>

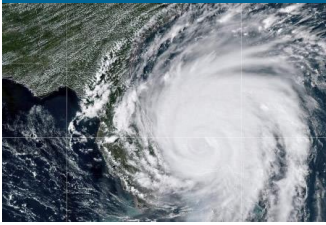
DID YOU KNOW...



Snooping on healthcare records is a fairly obvious HIPAA violation and one that all healthcare employees who have received HIPAA training should know is a violation of their employer’s policies and HIPAA Rules.



NEWS



Hurricane Dorian. Limited HIPAA Waiver Issued in Puerto Rico, Florida, Georgia, North and South Carolina

Alex Azar, Secretary of the Department of Health and Human Services (HHS), has declared a public health emergency (PHE) in Puerto Rico and the states of Florida, Georgia, and South Carolina due to Hurricane Dorian. On September 4, a PHE was also declared in North Carolina, retroactive to September 1, 2019.

The announcement follows the presidential PHE in the above areas as the states prepare for when the hurricane makes landfall. The declaration was accompanied by the announcement of a limited waiver of HIPAA sanctions and penalties for certain provisions of the HIPAA Privacy Rule, as mandated by the Project Bioshield Act of 2004 of the Social Security Act. The waiver only applies in the emergency areas and for the period of time covered by the PHE.

The waiver applies to hospitals that have implemented their disaster protocol, and only for up to 72 hours from when the disaster protocol was implemented, unless the PHE declaration terminates before that 72-hour period has elapsed.

Once the PHE comes to an end, hospitals are required to comply with all requirements of the HIPAA Privacy Rule for all patients, including those still under the care of the hospital when the PHE ends. The HHS notes that during a PHE, the requirements of the HIPAA Privacy and Security Rules remain in place.

Even in the absence of a HIPAA waiver, the HIPAA Privacy Rule permits the sharing of patient information with friends, family, public health officials, and emergency personnel. Entities can share patient information for the purposes of providing treatment, for public health activities, and to lessen a serious threat to public health or safety. Information can also be shared with patients' friends, family and other individuals involved in their care to ensure that proper care and treatment can be provided.

Read entire article:

<https://www.hipaajournal.com/hurricane-dorian-limited-hipaa-waiver-issued-in-puerto-rico-florida-georgia-south-carolina/>

HIPAAQuiz

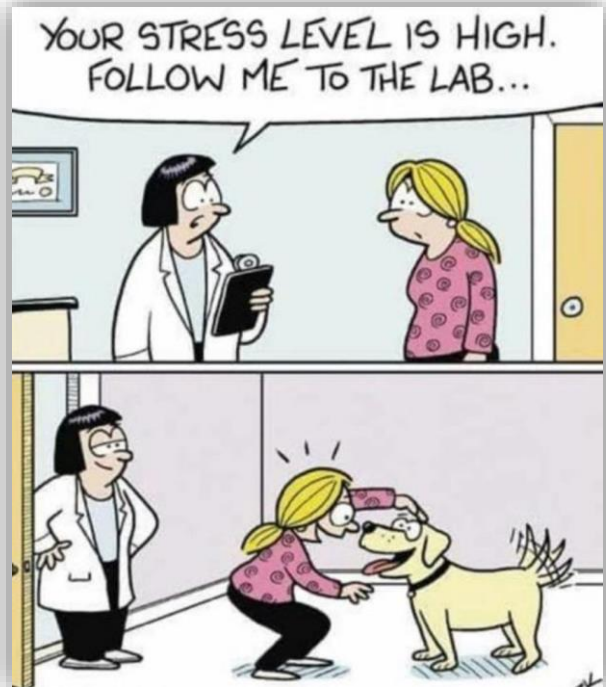
How does HIPAA define a healthcare clearinghouse?

Answer: Under HIPAA, a healthcare clearinghouse is a Covered Entity that processes or facilitates processing of information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction. A healthcare clearinghouse would typically receive a standard transaction from another entity and process or facilitate the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

COMMON HIPAA VIOLATIONS



HIPAA Humor



IN OTHER COMPLIANCE NEWS

LINK 1

OCR Settles First HIPAA Violation Case Under 2019 Right of Access Initiative

<https://www.hipaajournal.com/ocr-settles-first-hipaa-violation-case-under-2019-right-of-access-initiative/>

LINK 2

Study Confirms Why Prompt Data Breach Notifications Are So Important

<https://www.hipaajournal.com/study-confirms-why-prompt-data-breach-notifications-are-so-important/>

LINK 3

Multiple Email Accounts Compromised in UC Health Phishing Attack

<https://www.hipaajournal.com/multiple-email-accounts-compromised-in-uc-health-phishing-attack/>

LINK 4

Community Psychiatric Clinic and Metro Mobility Data Breaches Impact 30,000 Patients

<https://www.hipaajournal.com/community-psychiatric-clinic-and-metro-mobility-data-breaches-impact-30000-patients/>

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

