

APRIL 2019

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(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/>



Former Patient Care Coordinator Pleads Guilty to Disclosing Patients' PHI with Intent to Cause Harm

A former employee of an affiliate of University of Pittsburgh Medical Center (UPMC) who was discovered to have accessed the medical records of patients without authorization has pleaded guilty to one count of wrongful disclosure of health information with intent to cause harm and now faces a fine and jail term for the HIPAA violation.

Ms. Linda Sue Kalina, 61, of Butler, PA, had previously worked as a patient care coordinator at Tri Rivers Musculoskeletal (TRM) between March 7, 2016 and June 23, 2017 before moving to Allegheny Health Network (AHN) where she worked from July 24, 2017 to August 17, 2017.

Between December 2016 and August 2017, Ms. Kalina was accused of accessing the files of 111 UPMC patients and 2 AHN patients without authorization or any legitimate work reason for doing so. According to her indictment, she also disclosed the PHI of four of those patients to individuals not authorized to receive the information.

Prior to working at TRM, Ms. Kalina had been employed at Frank J. Zottola Construction for 24 years until she was fired from the position of office manager. While at TRM and AHN, Ms. Kalina had impermissibly accessed the medical records of employees of the construction firm, including the gynecological records of the woman who replaced her.

Ms. Kalina was accused of sending an email to the company controller in June 2017 in which she disclosed the woman's gynecological records and also left a voicemail revealing information from those records to another Zottola employee in August 2017.

Zottola contacted UPMC to complain about the privacy violation, and after an internal investigation, Ms. Kalina was fired. The HIPAA violation case was then pursued by the Department of Justice.

Read entire article:

<https://www.hipaajournal.com/patient-care-coordinator-pleads-guilty-phi-disclosure-intent-cause-harm/>

DID YOU KNOW...



Do you know what the largest HIPAA fine is to date?

Advocate Health System, the largest health system in Illinois, paid a whopping **\$5.5 million in 2016** to settle a HIPAA breach that occurred in 2013 when 4 laptops containing patient information were taken from an Advocate office during a burglary. In total, the 3 breach incidents that resulted from the stolen laptops compromised the protected health information of 4 million individuals.





New HIPAA Regulations in 2019

While there were expected to be some 2018 HIPAA updates, the wheels of change move

slowly.

OCR has been considering HIPAA updates in 2018 although it is likely to take until the middle of 2019 before any proposed HIPAA updates in 2018 are signed into law. Further, the Trump Administration's policy of two regulations out for every new one introduced means any new HIPAA regulations in 2019 are likely to be limited. First, there will need to be some easing of existing HIPAA requirements.

HIPAA updates in 2018 that were under consideration were changes to how substance abuse and mental health information records are protected. As part of efforts to tackle the opioid crisis, the HHS was considering changes to both HIPAA and 42 CFR Part 2 regulations that serve to protect the privacy of substance abuse disorder patients who seek treatment at federally assisted programs to improve the level of care that can be provided. Other potential changes to HIPAA regulations in 2018 included the removal of aspects of HIPAA that impede the ability of doctors and hospitals to coordinate to deliver better care at a lower cost.

These are the most likely areas for HIPAA 2019 changes: Aspects of HIPAA Rules that are proving unnecessarily burdensome for HIPAA covered entities and provide little benefit to patients and health plan members, and those that can help with the transition to value-based healthcare.

How are New HIPAA Regulations Introduced? The process of making HIPAA updates is slow, as the lack of HIPAA changes in 2018. It has now been 5 years since there was a major update to HIPAA Rules and many believe changes are now long overdue.

Read entire article:

<https://www.hipaajournal.com/new-hipaa-regulations/>

HIPAAQuiz

You're waiting for some test results, which you intend to fax to a specialist's office. By the time the results arrive, it's after hours. Should you still send the fax?

Answer: Generally, you should wait until office hours to fax PHI so that you can make sure an authorized person receives it. If know a fax machine is secure, you may be able to fax the results right away.

Facebook Accused of Privacy Violations and Exposure of Sensitive Health Information Disclosed in Private Groups

A complaint has been filed with the FTC over misleading practices by Facebook. The complaint alleges health information disclosed in closed, supposedly anonymous and private Facebook groups has been exposed.

Congress is calling for Facebook to provide answers about the alleged privacy violations involving the Facebook PHR (Groups) platform. Leaders from the House Committee on Energy & Commerce have written to Facebook CEO Mark Zuckerberg requesting an urgent response to the privacy complaint filed with the FTC by users of Facebook Groups.

The complaint was sent to the FTC in December and was made public this week. In the complaint letter, security researcher Fred Trotter and members of a Facebook health group allege that personal health information disclosed by users of closed Facebook groups has been exposed. As a result, members of the groups are at risk of harassment and discrimination.

Closed Facebook groups are used by sufferers of health and mental health conditions to get support. Many support groups have been set up on the platform specifically for that purpose. Members of the groups are offered a safe environment to chat about their issues. Highly sensitive information is often disclosed in the groups as they are believed to be private and anonymous. The complaint alleges Facebook is actively encouraging the use of closed groups as a good way for patients to communicate their health information and receive support for medical conditions.

Users of the groups have shared information about positive HIV diagnoses, sexual histories, details of past sexual abuse, substance abuse disorders, and a wide range of health and mental health conditions.

The groups are supposed to be private and anonymous and are often advertised as such. One example is the Affected by Addiction Community Facebook Group, which states that "This is a private group, so nothing you post will be seen by anyone outside of this group." Several other examples are detailed in the complaint and some of the groups have been actively promoted by Facebook, even though privacy is not assured. Facebook states in its data policy that information shared on its platform can be shared with others on and off its products. Claiming the groups are private and anonymous is a misrepresentation.

Read entire article:

<https://www.hipaajournal.com/facebook-accused-privacy-violations-phi-private-groups/>

LINK 1

25% of Healthcare Organizations Have Experienced a Mobile Security Breach in Past 12 Months

<https://www.hipaajournal.com/25-pc-healthcare-organizations-mobile-security-breach-past-12-months/>

LINK 2

HIPAA Compliance at Odds with Healthcare Cybersecurity

<https://www.hipaajournal.com/hipaa-compliance-at-odds-with-healthcare-cybersecurity/>

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

Civil Penalty for Knowingly Violating HIPAA....

Resource: <https://www.hipaajournal.com/civil-penalty-for-knowingly-violating-hipaa/>

The civil penalty tier system for healthcare organizations is based on the extent to which the HIPAA covered entity was aware that HIPAA Rules were violated. The maximum civil penalty for knowingly violating HIPAA is \$50,000 per violation up to a maximum of \$1.5 million per violation category.

- Tier 1 – \$100 – \$50,000 per violation (Maximum \$1.5M per year)
- Tier 2 – \$1,000 – \$50,000 per violation (Maximum \$1.5M per year)
- Tier 3 – \$10,000 – \$50,000 per violation (Maximum \$1.5M per year)
- Tier 4 – \$50,000 per violation (Maximum \$1.5M per year)

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