

AUGUST  
2021



MIDLAND HEALTH  
Compliance Hotline  
877-780-9367

# COMPLIANCE CONNECTION

This newsletter is prepared by the Midland Health Compliance Department and is intended to provide relevant HIPAA privacy issues and hot topics.

## IN THIS ISSUE

### FEATURE ARTICLE

Ohio Hospital Worker Snooped on 7,300 Patient Records over 12 Years

**HIPAA Humor** (See Page 2)

**HIPAA Quiz** (See Page 2 for Question & Answer)

### DID YOU KNOW...



## HIPAA Privacy Rule Myths & Facts

### Myth

*"HIPAA regulations are applicable to electronic records only."*

### Fact

Not true!

Both electronic data and paper records are subject to the HIPAA Privacy policy. HIPAA privacy and safety regulations are applied to all kinds of patient records, irrespective of their nature.

Resource:

<https://www.cloudapper.com/hipaa-myths-vs-facts/>



## Ohio Hospital Worker Snooped on 7,300 Patient Records over 12 Years

A former employee of Aultman Health Foundation accessed 7,300 patient records without authorization for almost 12 years before the HIPAA violation was discovered.

The employee was provided with access to patient records to fulfill duties related to coordinating patient care but was discovered to have accessed patient records when there was no legitimate work reason for doing so. The types of information accessed included patient names, addresses, dates of birth, health insurance information, diagnosis and treatment information, and Social Security numbers.

Aultman said it suspended the employee's access to patient records as soon as the privacy violation was uncovered, and an investigation was immediately launched to determine the nature and scope of the HIPAA violation. The investigation revealed the employee accessed patient records without authorization from September 14, 2009 until April 26, 2021. The employee was terminated for violating HIPAA and hospital policies.

Aultman has started notifying patients whose records were viewed. Patient's whose Social Security number was potentially compromised have been offered complimentary credit monitoring and identity theft protection services. Aultman said its employees were aware that they were only permitted to access patient records for work purposes. "To help prevent something like this from happening again, Aultman has provided additional training to its system users and is implementing additional measures to protect the information of its patients," said an Aultman spokesperson.

The incident appears to be a case of snooping. The former employee is not facing criminal charges and, so far, there is no indication that patient information has been or will be misused.

The Canton, OH-based health system operates Aultman Hospital, Aultman Orrville Hospital, Aultman Alliance Community Hospital, and several urgent care community health centers and physical therapy facilities in Stark County.

Resource:

<https://www.hipaajournal.com/ohio-hospital-worker-snooped-on-7300-patient-records-over-12-years/>

### DID YOU KNOW...

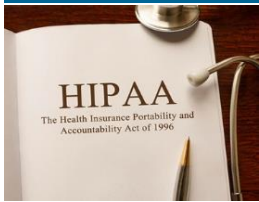


### HIPAA enforcement is up 400 percent.

*As we continue modernizing healthcare infrastructure and moving a growing list of systems into the digital space, healthcare operators continue to open themselves up to vulnerabilities. As a result, HIPAA enforcement is stronger than ever before, and the Department of Health and Human Services has made enforcement of these regulations a priority.*

Resource: <https://www.cloudnexusit.com/2020/12/31/hipaa-fun-facts/>





## No Private Cause of Action Under HIPAA, but Possible Cause of Action for 14th Amendment Violation

The U.S. Court of Appeals for the Fourth Circuit has ruled that there is no private cause of action in the Health Insurance Portability and Accountability Act (HIPAA) to address improper disclosures of protected health information; however, the ruling suggests there is potentially a cause of action under the 14th amendment when an individual's privacy is violated.

The case, *Payne v. Taslimi*, named Christopher N. Payne as plaintiff and Jahal Taslimi as the defendant. Payne was a Deep Meadow Correctional Center inmate and Taslimi a prison doctor. Payne took legal action against Taslimi over an alleged improper disclosure of his confidential medical information. Payne alleged Taslimi had approached his bed and stated in a voice loud enough for others to hear that the plaintiff had not taken his HIV medication. Payne alleged staff members, other inmates, and civilians had heard the doctor.

In the lawsuit, Payne claimed his medical records were confidential and his HIPAA rights had been violated at Deep Meadow Correctional Center by Taslimi, as well as his right to privacy under the 14th Amendment. The district court dismissed Payne's claims, but the decision was appealed.

The Court of Appeals for the Fourth Circuit affirmed the decision of the district court and confirmed there was no private cause of action under HIPAA. The court also affirmed the decision of the district court to dismiss the claim of a violation of the 14th Amendment.

Read entire article:

<https://www.hipaajournal.com/no-private-cause-of-action-under-hipaa-but-possible-cause-of-action-for-14th-amendment-violation/>

## HIPAA Quiz

When discussing PHI, try to

- lower your voice
- use nongeneric terms
- move to a more private area
- both a and c

**Answer: d**

Even if your discussions of PHI are legitimate, acknowledge that others may be able to hear the conversation. When discussing patients, think to yourself, "Who else can hear?" and adjust your behavior based on the answer.

### LINK 1

1 Billion-Record Database of Searches of CVS Website Exposed Online

<https://www.hipaajournal.com/1-billion-record-database-of-searches-of-cvs-website-exposed-online/>

### LINK 3

Email Data Breaches Reported by UoL Health and Jawonio

<https://www.hipaajournal.com/email-data-breaches-reported-by-uofl-health-and-jawonio/>

### LINK 2

Government Watchdog Makes 7 Recommendations to HSS to Improve Cybersecurity

<https://www.hipaajournal.com/government-watchdog-makes-7-recommendations-to-hss-to-improve-cybersecurity/>

### LINK 4

PHI of Up to 500,000 Individuals Potentially Stolen in Wolfe Eye Clinic Ransomware Attack

<https://www.hipaajournal.com/phi-of-up-to-500000-individuals-potentially-stolen-in-wolfe-eye-clinic-ransomware-attack/>



## Former Mayo Clinic Doctor Charged Over Improper Medical Record Access

In October 2020, Mayo Clinic announced a former employee was discovered to have impermissibly accessed the medical records of approximately 1,600 patients. According to a statement issued by the Mayo Clinic, the former employee viewed demographic information, date of birth, medical record number, clinical notes, and in some cases images. Mayo Clinic said its investigation uncovered no evidence to suggest any patient data was copied or retained. All affected patients were notified about the breach by mail.

The employee in question was Ahmad Maher Abdel-Munim Alsughayer, 28, of Saginaw, MI, who was a doctor at Mayo Clinic. Alsughayer ended his employment with Mayo Clinic in August 2020, around the time that the privacy violation was discovered.

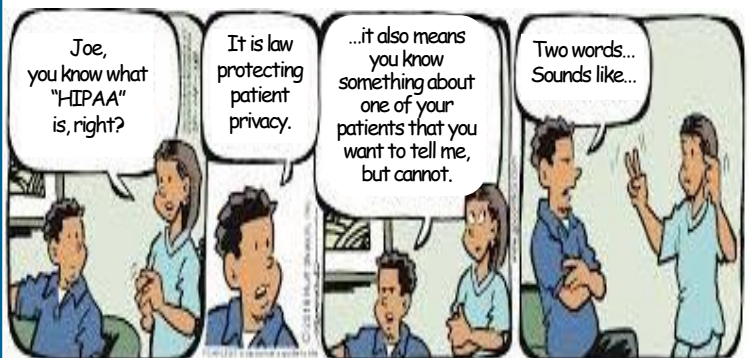
A criminal case has now been opened by the Olmsted County Attorney's Office. Alsughayer has been charged with gross misdemeanor unauthorized computer access and has been scheduled to appear in court on July 8, 2021. The criminal case stems from allegations that Alsughayer had abused his access rights to view medical records when there was no need to do so to fulfill his role as a doctor and hospital employee. Alsughayer's legal team filed a motion to dismiss the lawsuit on June 1, 2021 "on the grounds that there does not exist probable cause to believe the defendant committed the offense(s) charged therein."

Allegations had previously been made against Alsughayer in three lawsuits, the latest of which was filed against Alsughayer and Mayo Clinic on May 29, 2021. In December 2020, a female patient, named as K.M.M in the lawsuit, contacted Rochester police after receiving a breach notification letter from Mayo Clinic.

Read entire article:

<https://www.hipaajournal.com/former-mayo-clinic-doctor-charged-over-improper-medical-record-access/>

## HIPAA Humor



## THUMBS UP to all MH Departments for implementing awareness of...

HIPAA, PII, PHI, ePHI, Security, and Social Media



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

