

COMPLIANCE CONNECTION



FEBRUARY 2022



NEW Compliance Hotline:
MIDLAND HEALTH
855-662-SAFE (7233) • ID#: 6874433130
This ID# is required to submit a report.

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

HIPAA Makes Us Do What? Why?
Understanding the **Heart** of HIPAA!

Midland Health PolicyTech (See Page 2)

HIPAA Quiz (See Page 2 for Question & Answer)

DID YOU KNOW...



HIPAA Makes Us Do What? Why? Understanding the **Heart** of HIPAA!

As we prepare for Valentine's Day and the celebration of love with hearts and cupids, we are reminded that everything that we do is defined from purpose and intent. Valentine's Day dates back to the 5th Century as a dedicated day for people to show their love and respect for one another.

Just as with any holiday or dedicated day, HIPAA has a defined purpose and intent. It wasn't created to put challenges and burdens onto healthcare organizations and business associates. It wasn't created to block patient care and make it impossible to share protected health information. HIPAA was created with a purpose and intent, to provide protections and rights to protected health information. Understanding the heart of HIPAA can help an organization evaluate and successfully implement the regulations.

The HIPAA Privacy Rule, which was mandated in 2003, has three distinct purposes. Each of the purposes was created with intent of adding protections and enhancements to how healthcare organizations safeguard protected health information.

Read entire article:

<https://tripointhealthcaresolutions.com/hipaa-makes-us-do-what-why-understanding-the-heart-of-hipaa/>

HIPAA Privacy Rule Myth

"My employees do not have to provide their COVID-19 vaccination status or proof of vaccination status because that information is protected by HIPAA."

Fact:

Employers may require an employee to provide their COVID-19 vaccination status and present proof of vaccination, such as a vaccine card, because HIPAA does not apply to these inquiries.

Resource:

<https://www.jdsupra.com/legalnews/myth-buster-employers-vaccine-1720276/>

BY THE NUMBERS

"Get the lowdown on healthcare's facts and figures."

\$6.75 Million According to the US Department of Justice, a Florida cardiologist has paid this amount to resolve allegations that **he violated the False Claims Act by performing ablations and vein stent procedures that were medically unnecessary.**

\$80,000 Children's Hospital & Medical Center in Omaha, Nebraska, is paying this amount to settle a potential HIPAA violation on a complaint that the hospital did not provide timely access to all of the medical records requested, reports Healthcare Finance. When the medical records were requested on January 3, 2020, a portion was provided, but the remaining records were not provided until June 20 and July 16, 2020, as a result of the Office for Civil Rights' investigation in May. **This marked the Office for Civil Rights' 20th investigation of HIPAA Right of Access.**

\$674,026 A Kansas anesthesiologist was charged with participating in a kickback scheme that spanned 22 states and is facing 25 counts related to the alleged health care fraud, according to the US Justice Department. He allegedly was paid \$30 for each order or prescription he signed and received this amount in illegal kickbacks. **Prosecutors say Medicare lost \$26 million as a result.**

30 According to the Department of Justice, a Texas woman was sentenced to this number of months in federal prison for her role in stealing protected health information from a health care provider's EHR system; one of her coconspirators was sentenced to 48 months. **The defendants made more than \$1.4 million from selling the stolen information.**

Read entire article (Page 34):

<https://secure.viewer.zmags.com/services/DownloadPDF?publicationID=5ee9dae8&selectedPages=all&pubVersion=5&print=true>

NOTE

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MIDLAND HEALTH

COMPLIANCE TEAM

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DID YOU KNOW...



Common HIPAA Violation:

Missing patient signatures. HIPAA forms without the patient's signature is invalid. Make sure your staff is trained to always check every document twice for signatures before the patient leaves.

Resource:

<https://discoveringhipaa.com/10-examples-hipaa-violations/>



MIDLAND
HEALTH



MIDLAND HEALTH CODE OF CONDUCT

Purpose: Midland Memorial Hospital (“MMH”) is committed to conducting business in an ethical and honest manner and within the bounds of the law. This Code of Conduct provides governing board members, medical and allied health staff, employees, agency staff, independent contractors, vendors, volunteers and students of Midland Memorial Hospital (“MMH Representatives”) with guidelines for conducting business and operations in a manner which fulfills this commitment. This Code of Conduct further provides the foundation principals for implementing the MMH Compliance Program, which serves to prevent the occurrence of illegal or unethical behavior, and is supplementary to the mission, vision, and values of MMH, its policies and procedures, as well as pertinent state and federal law. This Code of Conduct has been distributed to all MMH Representatives and sets forth general standards applicable to all MMH business and operations. In addition to this Code of Conduct, there are a number of more detailed and specific MMH policies and procedures covering the particular issues described herein.

Policy

- MMH’s Commitment to Legal and Ethical Behavior
- Complying with the Law
- Providing for Excellent Patient Care
- Protecting Confidential Information
- Adhering to Anti Kickback and Healthcare Fraud and Abuse Legislation
- Declining Inappropriate Gifts or Gratuities
- Policy Pertaining to Business Courtesies Received from Vendors
- Not Providing Inappropriate Gifts to Patients and Visitors
- Avoiding Conflicts of Interest

Read entire Policy: [Midland Health PolicyTech #3755 – “Code of Conduct”](#)

HIPAA Quiz

Protected health information that should be kept confidential includes a patient’s:

- Diagnoses, procedures received, lab results
- Name, address, and social security number
- Medical information stored electronically (e.g., Pulse, Allscripts, etc.)
- All of the above.

Answer: d

Protected health information is individually identifiable health information in any form (paper, electronic, oral) that is transmitted and/or stored by a covered entity or business associate.

IN OTHER COMPLIANCE NEWS

LINK 1

Ransomware Attack Affects 81,000 Howard University College of Dentistry Patients

<https://www.hipaajournal.com/ransomware-attack-affects-81000-howard-university-college-of-dentistry-patients/>

LINK 3

Almost 50,000 Health Plan Members Affected by Ransomware Attack on Broward County Public Schools

<https://www.hipaajournal.com/almost-50000-health-plan-members-affected-by-ransomware-attack-on-broward-county-public-schools/>

LINK 2

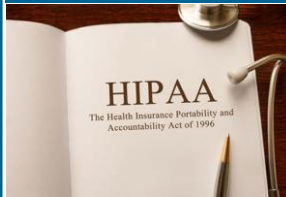
PHI of 750,000 Patients of Oregon Anesthesiology Recovered Following Ransomware Attack

<https://www.hipaajournal.com/phi-of-750000-patients-of-oregon-anesthesiology-recovered-following-ransomware-attack/>

LINK 4

New Jersey Fines Hackensack Healthcare Providers for PHI Breach and HIPAA Violations

<https://www.hipaajournal.com/new-jersey-fines-hackensack-healthcare-providers-for-phi-breach-and-hipaa-violations/>



OCR Issues Guidance on HIPAA and Disclosures of PHI for Extreme Risk Protection Orders

The Department of Health and Human Services’ Office for Civil Rights (OCR) has published new guidance to explain how the HIPAA Privacy Rule applies to disclosures of protected health information (PHI) to support applications for extreme risk protection orders.

In June 2021, the U.S. Department of Justice published model legislation to provide states with a framework for creating their own extreme risk protection order (ERPO) laws. Extreme risk protection orders temporarily prevent a person in crisis, who poses a danger to themselves or others, from accessing firearms. ERPOs are intended to improve public safety and reduce the risk of firearm injuries and deaths.

ERPO legislation permits certain entities such as law enforcement officers, family members, and healthcare providers to apply to the courts for an ERPO. Part of that process involves obtaining affidavits or sworn oral statements from petitioners and witnesses. If healthcare providers are involved in ERPOs, the HIPAA Privacy Rule applies and places restrictions on any disclosures of PHI.

The HIPAA Privacy Rule permits disclosures of PHI when those disclosures are required by law, such as in relation to statutes, regulations, court orders, and subpoenas when the disclosures comply with and are limited to the relevant requirements of such laws.

Read entire article:

<https://www.hipaajournal.com/ocr-issues-guidance-on-hipaa-and-disclosures-of-phi-for-extreme-risk-protection-orders/>

HIPAA Humor



Though Helen was a fine office manager, she never quite got the hang of reading people.

THUMBS UP to all MH Departments

for implementing awareness of...

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



- Main Campus
- F. Marie Hall Outpatient Center
- Legends Park
- 501a Locations

