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MIDLAND HEALTH
Compliance Hotline
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COMPLIANCE CONNECTION

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

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DID YOU KNOW...



New HIPAA Privacy Rules: Everything You Need to Know Going into 2021

In 2021, it will be 25 years since the Health Insurance Portability and Accountability Act (HIPAA) was introduced.

The legislation is in place to protect the intimate and personal information associated with the medical profession.

In those 25 years since the legislation was first introduced, a lot has changed. Threats have evolved dramatically and as such HIPAA has had to adapt. What are the changes that affect the HIPAA laws as we move into 2021? In this article, we'll take a look at the new HIPAA privacy rule.

What is the HIPAA Privacy Rule? The HIPAA Privacy Rule was issued by the US Department of Health and Human Services. The privacy rule is in place to restrict the way that personal information is used and shared. This type of information is referred to as protected health information (PHI).

The Right of Access Initiative The Office for Civil Rights at the Department of Health and Human Services last year announced the Right to Access Initiative. This major policy change sets out to protect the rights of patients who would like to have copies of their medical records quickly without being overcharged. These changes address criticisms of the HIPAA legislation. The criticisms state that it is too complex and expensive to gain access to your own personal medical records. The right of access means that in the future, the Office of Civil Rights will clamp down on organizations that don't meet the right of access requirements. To avoid penalties, it is important that you review your policies that relate to the right of access and ensure that your pricing and delivery standards are up to scratch.

New Patient Identifier for Medicare Patients A National Patient Identifier (NPI) is an identification number designed for use by healthcare providers. This has been on the cards ever since the early days of HIPAA back in 1996, however, for various reasons it has never come to pass. In June 2019, congress ruled in favor of legislation that brought the NPI into existence. The reason for its creation? To overcome difficulties in patient matching so that medical errors and misidentification can be reduced. The decision to implement the National Patient Identifier was supported by the American Health Information Management Association (AHIMA). While there was plenty of support for this legislation it was not without criticism. Senator Rand Paul argued that NPIs would actually threaten the privacy of patients. In total, there are 18 different identifiers that cover everything from email addresses, to social security numbers as well as biometric identifiers.

Read entire article:

<https://hipaasecuritysuite.com/new-hipaa-privacy-rules-everything-you-need-to-know-going-into-2021/>



HIPAA Privacy Rule: Myths & Facts

Myth: A Doctor Cannot Send Medical Records to Another Doctor

As the source and the supposed owner of your medical records, it should go without saying that this information cannot be transferred to another.

Fact: A doctor can send medical records to another doctor without your explicit consent.

As long as the goal of sharing the protected information is in the patient's best interests, no consent is necessary.

The Privacy Rule of HIPAA states that healthcare providers are allowed to disclose protected health information to other providers for the purposes of treatment, payment, or healthcare operations with or without patient's permission.

And while we're on this subject, a healthcare provider may also disclose medical information to a family member, relatives, or any person identified by the patient. The medical information, however, needs to be directly relevant to this person's involvement with the patient's care or payment.

Resource:

<https://www.qminder.com/hipaa-myths-debunked/>

DID YOU KNOW...



HIPAA Violation...

Emailing ePHI to Personal Email Address Accounts and Removing PHI from Hospital Facility

Regardless of the intentions, whether it is to get help with spreadsheets, complete work at home to get ahead for the next day, or to catch up on a backlog, it is a violation of HIPAA Rules. Further, any emailing of ePHI to a personal email account could be considered theft, the repercussions of which could be far more severe than termination of an employment contract.

Resource: <https://www.hipaajournal.com/common-hipaa-violations/>





HIPAA Privacy Rule Changes Proposed to Improve Care Coordination and Patient Rights

The Department of Health and Human Services has issued a notice of proposed rulemaking detailing multiple HIPAA Privacy Rule changes that are intended to remove regulatory burdens, improve care coordination, and give patients better access to their protected health information (PHI).

OCR issued a request for public input on potential HIPAA Privacy Rule changes in December 2018 under the HHS' Regulatory Sprint to Coordinated Care. The regulatory sprint was intended to accelerate transformation of the healthcare system and remove some of the barriers that have hampered the coordination of care, were making it difficult for healthcare providers to share patient information and placed an unnecessary burden on patients and their families who were trying to get their health information exchanged. In response to the request for information, the HHS received around 1,300 comments spanning 4,000 pages. The HHS has had to strike a balance between providing more flexibility to allow health information to be shared easily and ensuring the privacy and security of healthcare data.

"Our proposed changes to the HIPAA Privacy Rule will break down barriers that have stood in the way of commonsense care coordination and value-based arrangements for far too long," said HHS Secretary Alex Azar. "As part of our broader efforts to reform regulations that impede care coordination, these proposed reforms will reduce burdens on providers and empower patients and their families to secure better health."

HIPAA was initially signed into law in 1996 and the Privacy Rule took effect in 2003, prior to widespread adoption of electronic medical records and before many online and mobile services were available. The proposed updates are intended to remove some of the barriers to digital health, with definitions added for terms such as electronic health records and personal health applications.

Read entire article:

<https://www.hipaajournal.com/hipaa-privacy-rule-changes/>

HIPAAQuiz

Which of the following is NOT an example of PHI?

- Patient's demographic information in computer for appointment at health department
- Patient's paper lab report that hasn't been filed yet
- A report containing the number of HIV cases in the state of TN
- A nurse discussing a patient's diagnosis with a physician

Answer: c

U.S. Department of Health and Human Services defines Protected Health Information (PHI) as individually identifiable information that falls into 18 types of identifiers (e.g., name, photo, phone number, email address, SS#, etc.). A report containing the number of cases is not an example of PHI because "identifiers" are not included.

LINK 1

House Passes Bill Calling for HHS to Recognize Adoption of Cybersecurity Best Practices When Making Regulatory Determinations

<https://www.hipaajournal.com/house-bill-hhs-recognize-cybersecurity-best-practices-regulatory-determinations/>

LINK 3

Tufts Health Plan Members' PHI Exposed in EyeMed Phishing Attack

<https://www.hipaajournal.com/tufts-health-plan-members-phi-exposed-in-eyemed-phishing-attack/>

LINK 2

AMA Issues Guidance to Help Healthcare Organizations Mitigate COVID-19 Cyber Risks

<https://www.hipaajournal.com/ama-issues-guidance-to-help-healthcare-organizations-mitigate-covid-19-cyber-risks/>

LINK 4

Six More Healthcare Providers Impacted by Ransomware Attacks

<https://www.hipaajournal.com/six-more-healthcare-providers-impacted-by-ransomware-attacks/>



Medtronic

Serious Vulnerabilities

Identified in Medtronic MyCareLink Smart Patient Readers

Three serious vulnerabilities have been identified in Medtronic MyCareLink (MCL) Smart Patient Readers, which could potentially be exploited to gain access to and modify patient data from the paired implanted cardiac device. Exploitation of the vulnerabilities together could permit remote code execution on the MCL Smart Patient Reader, allowing an attacker to take control of a paired cardiac device. In order to exploit the vulnerabilities, an attacker would need to be within Bluetooth signal proximity to the vulnerable product.

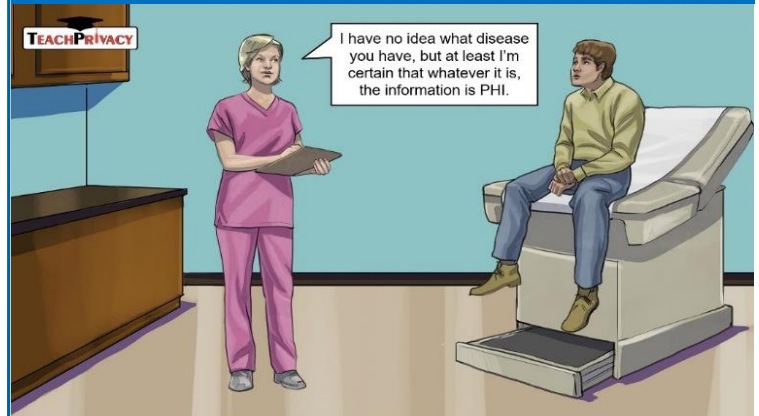
The flaws are present in all versions of the MCL Smart Model 25000 Patient Reader. The first vulnerability, tracked as CVE-2020-25183, is an authentication protocol vulnerability. The method used to authenticate the MCL Smart Patient Reader and the Medtronic MyCareLink Smart mobile app can be bypassed. An attacker using another mobile device or malicious app on the patient's smartphone could authenticate to the patient's MCL Smart Patient Reader, tricking it into believing it is communicating with the patient's smartphone app. The vulnerability has been assigned a CVSS v3 base score of 8.0 out of 10.

A heap-based buffer overflow event can be triggered in the MCL Smart Patient Reader software stack by an authenticated attacker running a debug command. Once triggered, an attacker could then remotely execute code on the vulnerable MCL Smart Patient Reader, potentially allowing the attacker to take control of the device. The vulnerability is tracked as CVE-2020-27252 and has been assigned a CVSS v3 base score of 8.8 out of 10.

Read entire article:

<https://www.hipaajournal.com/serious-vulnerabilities-identified-in-medtronic-mycarelink-smart-patient-readers/>

HIPAA Humor



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www.teachprivacy.com

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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

