

# COMPLIANCE CONNECTION



JANUARY 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

The Future of HIPAA:  
What's Going on for 2022 and Beyond

**HIPAA Humor** (See Page 2)

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

**DID YOU KNOW...**

## HIPAA Privacy Rule Myth

*"Patients who send an email or text that is unencrypted have consented to using unencrypted communications."*

### Fact: Not true!

*The covered entity must obtain an individual's consent to use unencrypted communication. If someone texts or emails before they become a patient or client, you must obtain their consent to use unencrypted communication before continuing. Note, if the patient prefers encrypted email or text they have the absolute right to receive it.*

Read entire article:

<https://thehipaaetool.com/beware-hipaa-myths/>

## NOTE

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MIDLAND HEALTH

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## The Future of HIPAA: What's Going on for 2022 and Beyond

### Changes to Come?

*One of the biggest changes would increase the right to access health information for individuals, known as the Right of Access. This would include information stored electronically.*

During the pandemic, many caregivers felt frustrated when they could not help older adults in their families. This was mostly due to a lack of access to their medical data. This made it particularly challenging during emergencies.

With health crises happening regularly, especially for the senior population, many individuals are hoping for change. In fact, legislators are hoping to see HIPAA address emergency health situations for all individuals. Many hope for a provision to rules surrounding public health emergencies like Covid-19. The process of contact tracing at the height of the pandemic raised many questions about what data is fair game during a state of emergency.

Individuals who are not fans of HIPAA cite these issues and more as reasons why change is necessary. Entities that fear retribution are over cautious about following these laws, frustrating patients. The key might be making data more accessible, not less.

### New Legislation for a New World

More than anything, Covid-19 has brought to light how adaptable human beings can be. Our infrastructure is immense and allowed patients to continue receiving care without leaving home. Medical practitioners continued to monitor patients because the technology was on their side.

New updates to HIPAA will have to address the reality of the technological landscape and the need for further flexibility. At the same time, the law must continue to keep Protected Health Information safe. It is the only way to ensure that the population continues to feel safe enough to seek medical care.

Lawmakers believe that the flexibility of HIPAA will allow for positive change as we move into the future. Medical establishments are more reticent. They have valid concerns about the burdens of compliance in a world where all the rules are shifting.

Change is coming, whether HIPAA keeps up or not. The hope is that we will be able to strike a balance that keeps everyone safe and accountable.

### Compliance in a Changing World

If you have concerns about HIPAA compliance in a changing world, the latest training can help. HIPAA Exams offers easy, accessible online courses that always reflect the latest legislation. The courses ensure that you will remain in compliance, regardless of how the world is changing.

Visit HIPAA Exams today to browse the IACET accredited course offerings. Bulk pricing is available to help get your entire office back on track. You'll be ready for whatever the world or the law throws at you.

Read entire article: <https://www.hipaaxams.com/blog/the-future-of-hipaa-whats-going-on-for-2022-and-beyond/>

## DID YOU KNOW...



### HIPAA stands for:

#### The Health Insurance Portability and Accountability Act

*Enacted in 1996, the Act goes beyond protecting personally identifiable information. It also works to modernize the flow of healthcare information and address limitations on healthcare insurance coverage. Once it was enacted, the healthcare industry as a whole underwent massive changes. And since then, it continues to evolve.*

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



MIDLAND  
HEALTH



## New Jersey Fines Two Printing Companies \$130,000 for HIPAA and CFA Violations



The New Jersey Attorney General has approved a \$130,000 settlement with two printing firms to resolve alleged violations of the Health Insurance Portability and Accountability Act (HIPAA) and the New Jersey Consumer Fraud Act (CFA) that resulted in a breach of the protected health information (PHI) of 55,715 New Jersey residents.

Command Marketing Innovations, LLC (CMI) and Strategic Content Imaging, LLC (SCI) provided services to a leading New Jersey-based managed healthcare organization that involved printing and mailing benefits statements. Between October 31, 2016, and November 2, 2016, a printing error resulted in PHI such as claims numbers, dates of service, provider names, facility names, and descriptions of services being mailed to incorrect recipients.

When printing firms or other vendors provide services to HIPAA-covered entities that require access to PHI, they are required to enter into a business associate agreement with the covered entity and must comply with the requirements of the HIPAA Security Rule. The responsibilities of HIPAA business associates include implementing safeguards to ensure the confidentiality, integrity, and availability of any PHI they are provided with.

The New Jersey Division of Consumer Affairs (DCA) launched an investigation and determined printing processes were changed by SCI in 2016, which resulted in an error being introduced that saw the final page of one member's statement being added to the first page of another member's statement. Procedures should have been implemented to check the benefits statements prior to mailing.

Read entire article:

<https://www.hipaajournal.com/new-jersey-fines-two-printing-companies-130000-for-hipaa-and-cfa-violations/>

# HIPAA Quiz

James Rose, a patient in your care, has had a bad reaction to his medication. You try to reach Dr. Jones, his physician, for instructions. You find out that the doctor is at his health club. You call there and get the receptionist. What should you do?

- a. Tell the receptionist to tell Dr. Jones that Mr. Rose has had an adverse reaction and to call you back immediately.
- b. Have the receptionist page Dr. Jones to the phone.
- c. Tell the receptionist to ask Dr. Jones to call you back immediately.
- d. b. or c.

Answer: d

Individuals have a responsibility to provide the minimum necessary information to accomplish the task unless for treatment purposes. In this scenario, the receptionist does not need to know about Mr. Rose's condition.

## IN OTHER COMPLIANCE NEWS

LINK 1

Cyberattacks Reported by Schneck Medical Center and Epilepsy Foundation of Texas

<https://www.hipaajournal.com/cyberattacks-reported-by-schneck-medical-center-and-epilepsy-foundation-of-texas/>

LINK 3

Elekta Faces Class Action Lawsuit over Ransomware Attack and Data Breach

<https://www.hipaajournal.com/elekta-faces-class-action-lawsuit-over-ransomware-attack-and-data-breach/>

LINK 2

Almost 54,000 Patients Affected by OSF HealthCare Ransomware Attack

<https://www.hipaajournal.com/almost-54000-patients-affected-by-osf-healthcare-ransomware-attack/>

LINK 4

Ransomware Deployed 2 Minutes After Hackers Gained Access to Johnson Memorial Health's Network

<https://www.hipaajournal.com/ransomware-deployed-2-minutes-after-hackers-gained-access-to-johnson-memorial-healths-network/>

## Medical Biller Faces Decades in Jail for Healthcare Fraud, Identity Theft, and Tax Offenses



A medical biller in the Tampa Bay area of Florida has pleaded guilty to four counts of healthcare fraud, four counts of aggravated identity theft, two counts of failing to file a tax return, and one count of filing a false tax return.

Joshua Maywalt, 40, of Tampa, worked as a medical biller at a Clearwater company that provided credentialing and medical billing services to a range of healthcare provider clients in Florida. In his capacity as a medical biller, Maywalt was able to access the company's financial, medical provider, and patient information.

Maywalt was assigned to a Tampa Bay area physician's account and submitted claims to Florida Medicaid HMOs for services provided by that physician to recipients of Medicaid. Maywalt wrongfully accessed the company's patient information and used the name and identification number of the physician to submit false and fraudulent claims to a Florida Medicaid HMO for services that Maywalt claimed were provided by the physician when they had not been. The "pay to" information on the claims for the fictitious medical services was changed to account numbers under Maywalt's control.

In the tax years of 2017 and 2018, Maywalt failed to file a tax return with the Internal Revenue Service and filed a false tax return for the 2019 tax in which he substantially underreported his income as he did not include the amounts he paid into his bank accounts from his fraudulent billing activities. According to the United States Attorney's Office, Middle District of Florida, Maywalt will forfeit \$2.2 million in funds and real estate property that are directly traceable to his offenses.

Read entire article:

<https://www.hipaajournal.com/medical-biller-faces-decades-in-jail-for-healthcare-fraud-identity-theft-and-tax-offenses/>

## HIPAA Holiday Humor



"Ok, I know you're still mad about that photo I took of your mother's medical procedure and posted to my Facebook wall. But to Tweet your friends about my hemorrhoids is violating my privacy."

## 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

