

HIPAA

Monthly Alert

MARCH 2018

With the recent spurt in breach reporting and the new Office of Inspector General random audit program, HIPAA compliance is something that you need to take seriously. That said, it is very important to remember the following:

- All Liberty staff must be in full compliance with the HIPAA Security and Privacy Rules and Liberty Healthcare Standard Operating Procedures.
- Individual Liberty staff who do not comply with HIPAA Privacy and Security Rules share both the responsibility and the possibility of penalties - the same as Liberty and its customers.
- A warning that lone staff who do not comply with HIPAA Privacy and Security Rules aren't immune from prosecution.

In cases of willful neglect, HIPAA fines start at \$10,000—and only go up from there. Serious violations could incur multi-million dollar penalties. The following are examples of “need to know” HIPAA violations:

- **File Conversion Leads to HIPAA Violation** – In 2016, a healthcare clinic hired an outside vendor to convert all X-ray films on file to digital form. That sounds like a terrific service, but since this clinic did not first sign a Business Associate Agreement (BAA) with the vendor, they violated HIPAA. The Office of Civil Rights (OCR) ordered the clinic to pay \$750,000 and implement a corrective action plan.
- **Offhanded Comment: Watch Out for HIPAA** – In 2015, an employee at a health center expressed her surprise about the results of a high-profile patient test. Despite years of HIPAA compliance training, the employee made a seemingly innocent comment about the test results. She said it had just been an offhanded comment, but multiple employees overheard the comment, reported the violation, and disciplinary action followed.
- **\$2.5 Million Settlement in Stolen Laptop HIPAA Case** – An employee who monitors care, got into HIPAA hot water when a laptop containing patient medical records was stolen from a parked car. The OCR reached a \$2.5 million settlement with the employer, demonstrating that the federal government is extremely aggressive in prosecuting HIPAA cases involving portable digital media.

Please Remember – HIPAA is a minefield of potential violations that almost any Liberty employee could run afoul during their regular course of work. Even a momentary lapse of concentration, can lead to a costly mistake. Writing an incorrect fax number or speaking out loud about a patient could jeopardize Liberty as an organization. Report any Liberty system or process that could punish an honest human mistake. 99% of HIPAA violations are mistakes in the process not the people!

References:

<https://www.codinginstitute.com/compliance-newsletter/health-information-compliance-alert.html>
<https://www.medprodisposal.com/20-catastrophic-hipaa-violation-cases-to-open-your-eyes/>

Please look for next month's HIPAA alert delivered through your email.
You can also find the HIPAA monthly Alerts on Employee Self Service (ESS)

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