

HIPAA

MONTHLY ALERT

July 2017

With the increase in breach reporting, a rise in financial penalties, and the new random audit program, HIPAA compliance is something that healthcare organizations need to take seriously — this includes those defined as business associates such as Liberty Healthcare Corporation. **Here's why:** 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. **In May 2017, the U.S. Department of Health and Human Services reported just fewer than 3 million dollars in fines involving jeopardizing patient privacy and disclosing of PHI**.**

In compliance with federal regulations that mandate all Liberty employed and subcontracted staff be informed and aware of their obligations regarding the evolving HIPAA rules and regulations, Liberty's Corporate Compliance Department has issued the following informational alert regarding the **Omnibus HIPAA final rule**:

The enactment of the Omnibus HIPAA final rule strengthened HIPAA security and privacy protections including the change that **Business Associates (Liberty Healthcare) are equally responsible with the Covered Entity (Liberty's customers) to monitor and evaluate these protections.** Included in this Omnibus final rule is the "**Breach Notification Rule**". If there is an impermissible use or disclosure of protected health information (PHI) AND Liberty and our customer cannot show a low probability that this information has been compromised, Liberty and our customer must assess the following four elements:

1. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;
2. **The unauthorized person who used the PHI** or to whom the disclosure was made;
3. Whether the PHI **was actually acquired AND viewed**;
4. **The extent to which the risk to the PHI has been mitigated.**

These elements are evaluated and reviewed by Liberty officers and management each time we have a data incident to determine if this incident is substantiated as a breach or it is a data incident that requires immediate corrective action with strategies to avoid such an incident in the future.

Please look for next month's HIPAA Alerts delivered via email. Should you have any questions regarding this alert please contact Judith Ann Shields via email at judith.shields@libertyhealth.com or via phone at 610.668.880 ext. 193

** For more information please visit <https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/audit/index.html>.



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