

# THE ADVISOR

MONTHLY COMPLIANCE COMMUNICATOR

## PRIVACY AND SECURITY IS PART OF CARING FOR PATIENTS

How are proper privacy and security controls, risk assessments, remediation/mitigation, policies and procedures and training all part of providing safe treatment to your patients? If your patients' PHI is stolen and used maliciously, the accuracy of their medical record moving forward could be compromised. Left undetected, such inaccuracies could lead to lethal errors when that patient sees another provider or requires emergency treatment.

These measures are not confined to the four walls of your practice, unfortunately. Effective third-party risk management is becoming more important every day. This is evident by the sharp increase in small practices, local governments, and their service providers, such as IT support service vendors, experiencing both small and large breaches as well as system compromises from such things like ransomware attacks.

Over the past 12 to 18 months, audits and enforcement from The Department of Health and Human Services Office for Civil Rights (OCR) have focused more and more on effective privacy and security programs that include signing business associate agreements with applicable service providers, routine and documented security assessments and risk analysis, and addressing any issues found. Corrective actions can include activities like revising policies and procedures, updating security and process controls, as well as effective routine training.

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HIPAA OSHA INFECTION CONTROL BUSINESS ASSOCIATES



# TMC HIPAA CONTROL



## PRIVACY AND SECURITY IS PART OF CARING FOR PATIENTS

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Approximately \$14,500,000 of the \$31,800,000 in fines issued by the OCR since January 2018 were linked to risk assessment deficiencies, failure to implement and follow policies and procedures, and/or lack of signed business associate agreements. These enforcements included both large and small covered entities and business associates. One of the most recent enforcements for \$3,000,000 was imposed on Touchstone Medical Imaging. OCR's investigation of a breach, which was discovered by the FBI, not Touchstone, found that Touchstone "failed to conduct an accurate and thorough risk analysis of potential risks and vulnerabilities to the confidentiality, integrity, and availability of all of its electronic PHI (ePHI), and failed to have business associate agreements in place with its vendors, including their IT support vendor and a third-party data center provider as required by HIPAA." In addition to the monetary penalty, Touchstone must follow a two year corrective action plan that requires "the adoption of business associate agreements, completion of an enterprise-wide risk analysis, and comprehensive policies and procedures to comply with the HIPAA Rules." Touchstone must also bear its own costs for legal and other administrative fees related to the enforcement and corrective action plan.

It is becoming more common, whether by law or contract, that entities who cause a breach are required to pay for at least one year of identity theft monitoring service for each person whose information was included in a breach. The most basic identity theft monitoring service costs about \$10 per month. If applied to the Touchtone enforcement, which included over 300,000 patients, the additional cost would be about \$3,000,000.

Everyone is on the same team and wants to see patients receive the best and safest care possible. Ensuring employees receive effective routine training and interim reminders or updates creates an awareness and appreciation for measures which protect patient information. It teaches employees when to ask questions and how to identify potential issues that might compromise the privacy and security of patient and practice information before it's too late.

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# INFECTION CONTROL

## IT'S ALMOST FALL! COOL NIGHTS AND ILLNESS

It is that time of year again! Cooler nights, shorter days, kids back at school and yes, all those infections and infestations that come with fall.

The CDC has provided a summary of the 2018 – 2019 influenza season on their website. Here are some of the estimated numbers which are staggering!

- Between 37 and 42 million diagnosed with flu illnesses
- Between 17 and 20 million visits to healthcare providers
- Up to 61,000 deaths

### Flu's Bottom Line

Influenza is dangerous, even for healthy individuals, and actions should be taken to protect workers and patients. The CDC recommends annual vaccination for everyone 6 months and older. Any licensed vaccination which is age appropriate and not contraindicated may be utilized. Provide the vaccine for workers and educate patients about the value and need for this protective measure. Don't forget the importance of hand hygiene, face masks, and surface disinfection to reduce the spread of infection. The CDC provides [detailed information for healthcare providers](#) for the upcoming season for those interested.

### Head Lice

These parasitic insects who live on human blood are usually found on the head around the hairline and behind the ears. Infestation most frequently occurs among children in childcare and in elementary schools along with those living in the home of the impacted child. Keep in mind that head lice move by crawling, as they cannot hop or fly and are spread through direct contact with the hair of the infested person. While uncommon, contact with hats or scarves or personal care items such as combs or brushes can also spread the infestation.

The following cleaning tasks are recommended after diagnosis and treatment of an infested person in the practice or facility.

- Hard surfaces – Lice will not grow or survive on them, therefore no special treatment other than cleaning and surface disinfecting with an EPA approved hospital disinfectant is required.
- Clothing/Linens – Wash in hot water; dry on high heat.
- Furniture/carpeting – Vacuum to remove any of the infested person's hair which may have viable nits attached.

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# TMC OSHA COMPLIANCE

## IT'S ALMOST FALL! COOL NIGHTS AND ILLNESS

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### **Pertussis**

This illness, also known as whooping cough, is a highly contagious respiratory disease caused by *Bordetella pertussis* and is spread by coughing and sneezing. It is estimated that a person with pertussis could infect up to 12 to 15 people. Vaccination is the best protection for providers and patients. Healthcare providers should receive a single dose of Tdap. Appropriate follow-up by a healthcare provider is indicated for exposure, even if you have received the vaccine.

### **Measles**

The measles outbreak continues with 1234 cases being reported year-to-date. Of these cases 125 patients were hospitalized and 65 had complications included pneumonia as reported by the CDC.

When caring for patients who have any type of respiratory illness, [Respiratory Hygiene and Cough Etiquette](#) measures must be utilized, as well as appropriate surface disinfection after care.

Goodbye Summer! We are ready for you Bugs of Fall!

## **BREACHES BY THE NUMBERS**

The Department of Health and Human Services Office for Civil Rights (OCR), has reported a staggering increase since this time last year of all forms of breaches of patient PHI.

Note: These figures do not include any 2019 breaches that involved fewer than 500 individuals. A covered entity must notify the Secretary of a PHI breach affecting fewer than 500 individuals within 60 days of the end of the calendar year in which the breach occurred.

There are many reasons for the increase, such as:

- The current onslaught of ransomware attacks.
- Increased awareness and monitoring by healthcare entities and their business associates.

The table on page 5 compares the first eight months of 2018 to the first eight months of 2019.

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# TMC HIPAA COMPLIANCE

## BREACHES BY THE NUMBERS

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	2018 Jan-Aug	2019 Jan- Aug	2019% increase
Number of individuals affected	4,680,937	37,104,905	693%
Number of reports	117	312	167%
Covered Entities	97	282	191%
Business Associates	23	73	217%
<b>Type of breach</b>			
Hacking/IT incident	59	190	222%
Improper media/equipment disposal	3	4	33%
Loss or theft	19	35	84%
Number of unauthorized access/disclosure	36	83	131%
<b>Method of breach</b>			
Desktop computer	15	25	67%
Email	39	121	210%
EMR/EHR	9	15	67%
Paper or Film	14	34	143%
Laptops & other devices	22	38	73%
Network servers	18	79	339%

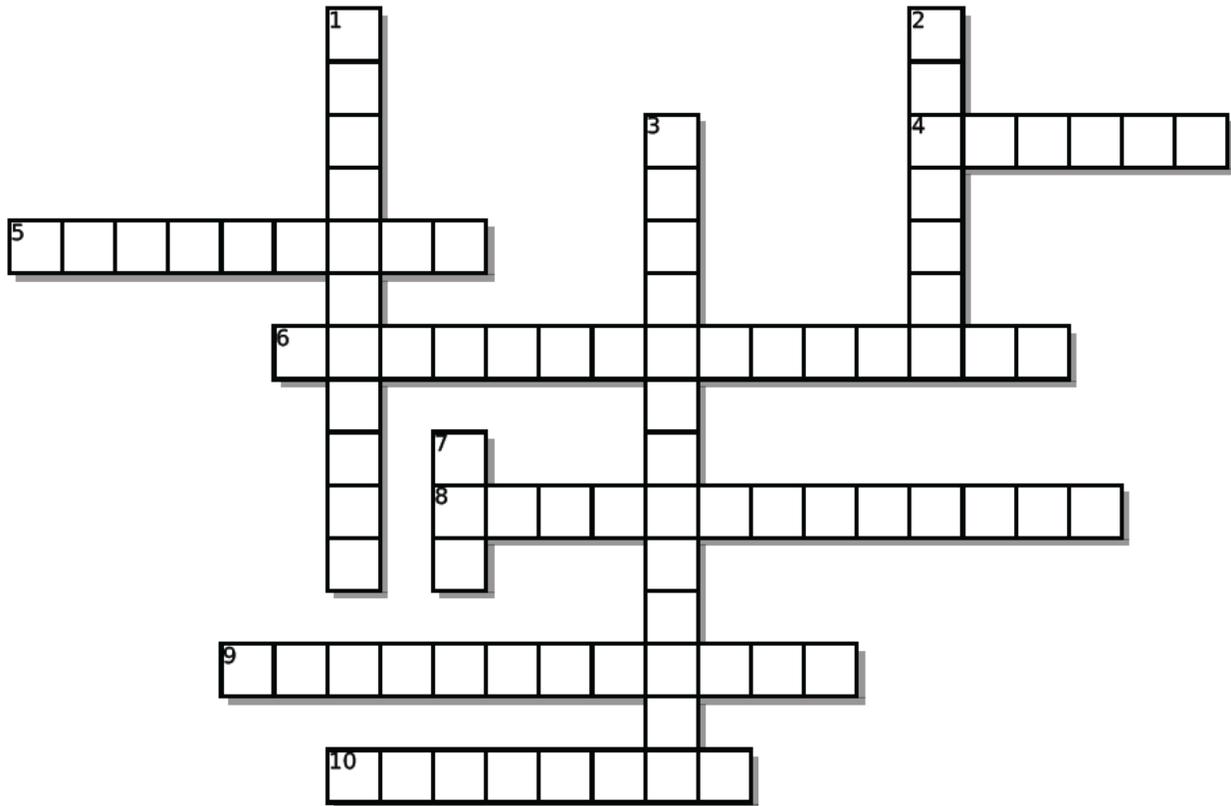
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# TMC CROSSWORD



## Across

4. Be sure your business associates have not had one of these.
5. Don't write these down where others can see.
6. Do this before hiring a new employee.
8. Each patient should sign one.
9. Avoid this type of PHI disclosure.
10. Your vendor should have this type of controls that meet HIPAA standards.

## Down

1. Protected health \_\_\_\_\_ .
2. Post your notice of privacy practices here.
3. Be sure your vendors are not listed here.
7. Sign this if the vendor is a business associate.

[CLICK FOR ANSWERS](#)

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# Referral Rewards

Get a free lunch or \$100 discount on next years' service by inviting your friends to TMC!



Here at TMC, we know that we wouldn't be the company we are today without the endorsement and recommendation of our loyal clients. As a thank you, we offer our clients a Referral Rewards Program.

When you refer a practice to us and they become a client, lunch is on us. We will send you a \$100 gift card to a local restaurant so you and your staff can have lunch on TMC. If you prefer, you can receive a \$100 discount off of your next years' service.

## IT'S EASY

Simply fill out the [form](#) on our website to let us know who you are referring and what you would like as your reward! That's it!

Tell your friends, TMC clients receive discounts on webinars, compliance manuals, and eCompliance Plus renewal.

In addition, TMC clients have unfettered access to our Client Portal at no additional cost. The Client Portal contains useful information on the latest regulatory rules for OSHA, HIPAA, and Infection Control compliance and other resources.

- Exposure Event Toolbox
- Links to the informational and educational posters you need for your practice
- Officer webinar training
- Online training at your fingertips
- Dental Radiation information for North Carolina
- FAQ's for OSHA, HIPAA and Infection Control
- TMC compliance web badges for your website

**MAKE YOUR  
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# GETTING TO KNOW TMC EMPLOYEES



This month we want to introduce you to Jo Gervais, our TMC Business Office Manager. Before coming to work for TMC, Jo was most recently employed as a practice manager for a large internal medicine group for seven years. Her experience in practice management includes a psychiatric/psychology group, a chiropractic group, and an orthopaedic group. Before practice management, she worked for the American Academy of Physician Assistants as the CME Coordinator in Virginia while her husband was stationed in the US Army.

1. What is your must-have or go-to morning beverage? [Water with lemon; then I hit the caffeine](#)
2. What is the most fun or unusual item you keep on your desk? [A pink plump squishy lamb](#)
3. What is the strangest or most fun job you've ever had? [The strangest was cleaning bathrooms at a burger joint. The most fun has definitely been working for TMC. I love this place.](#)
4. How far away from home is the farthest away you've ever been? [Nevada](#)
5. What is your go-to item that you most often bring to potlucks? [Mexican Casserole, Chicken & Dumplings and Roasted Cabbage](#)
6. Where is your favorite place to listen to music? [In my car. I sing very loudly to the songs, even when I don't know most of the words.](#)
7. Do you have any phobias? [Closed spaces, heights and I am totally terrified of birds. But they are beautiful from a distance!](#)
8. What is the most daring thing you've ever done? [Raising 5 children with my husband.](#)
9. Do you collect anything? [I am not a collector.](#)
10. Do you (or would you) sing at Karaoke night? [Absolutely, but I am an awful singer!](#)
11. Are you related (even distantly) to anyone famous? [John Hancock. People have asked me if I am related to the comedian Ricky Gervais. I don't think we are related, but I would be happy to inherit his money if he doesn't have family to leave it to.](#)
12. What is your favorite holiday? [Christmas](#)
13. What was the last non-work-related thing you read? [An Ikea catalog.](#)
14. Is your glass half-empty or half-full? [Always half full!](#)

## IT'S YOUR CALL

### OSHA Situation:

How long should we keep the fire extinguisher log?

### HIPAA Situation:

Our office uses a software program that contains protected health information. Should we obtain a business associate agreement with the software vendor?

[CLICK FOR ANSWERS](#)

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## MONTHLY COMPLIANCE COMMUNICATOR

SIGNATURE

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### INSTRUCTIONS

Print and post newsletter in office for staff review. Each member should sign this form when completed. Keep on file as proof of training on these topics.

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