

Everyday Mistakes may Result in HIPAA Penalties

A recent \$3.5 million settlement between insurance company Triple-S Management Corp. and the U.S. Department of Health and Human Services (HHS) revealed that everyday mistakes can result in multi-million dollar HIPAA breaches.

The three main components of HIPAA compliance are a risk assessment and implementation plan, training, and policies and procedures.

Triple S. Management Corp. was found to have recurring issues with breaches involving mailing errors and data access loopholes used by terminated employees. Companies using print shops for mailings may be putting themselves at risk. Print shops do not possess the same awareness of the need to protect private health information (PHI). It is recommended that an entity have a “business associate agreement” with the print shop prior to mailing sensitive material.

Terminated employees represent another common risk area. The Office for Civil Rights (OCR) within HHS found that two Triple S Management Corp. ex-employees working for a competitor had access to a proprietary company database; it was discovered that the employees’ access rights had never been terminated. The recommendation is to begin monitoring an employee once resignation has been given. From that point forward, the employee’s emails and file downloads should be monitored. The entity’s IT department should also follow a termination checklist to collect all devices, deactivate accounts and access to any software, databases, etc.

What This Means for Counties

1. Establish business associate agreements with any third parties (print shops, etc.) that handle PHI.
2. Coordinate HR and IT functions to terminate employees’ access rights on last day of work.
3. Use and disclose only the minimum necessary PHI for functions like enrollee mailings.
4. Analyze the risks to all IT equipment, applications and data systems that use e-PHI.
5. Train staff regularly on HIPAA policies and procedures.
6. Evaluate the data security impact of any operational changes.

For more information, contact CTSI at 303-861-0507.