

# Chiropractic Office Managers

Tuesday, Jan 30,  
2012

Good morning,

## **Doctor, what is going on in your office that is AGAINST the LAW?**

I want to bring your attention to two HIPAA lawsuits and fines. Most of you are more interested in EHR than HIPAA. But they do go hand and hand and the HIPAA Laws were intensified with the same law ARRA, HITECH that brought us EHR. This was done to order to help protect patients' EHR. And Health and Human Services, Office of Civil Rights are serious about HIPAA.

*Story in the news: A jury in Waukesha, Wisconsin, found that an emergency medical technician (EMT) invaded the privacy of an overdose patient when she told the patient's co-worker about the overdose. The co-worker then told nurses at West Allis Memorial Hospital, where both she and the patient were nurses. The EMT claimed that she called the patient's co-worker out of concern for the patient. The jury, however, found that regardless of her intentions, the EMT had no right to disclose confidential and sensitive medical information, and directed the EMT and her employer to pay \$3,000 for the invasion of privacy. (L. Sink, "Jurors Decide Patient Privacy Was Invaded," Milwaukee Journal Sentinel)*

**Now I will put it in terms of a chiropractic office story that we all can understand.**

**I had a phone call from a doctor concerned over this situation.**

*His front desk CA was talking with a patient about a referral this patient wanted to make to the office. The patient began explaining the symptoms his co-worker was experiencing and wanted them to come to the office. The CA asked for the co-workers name so they could be waiting for them to come in. When the patient stated the name, the CA said "Oh, they were a patient in our office before." Then the CA pulled the file and said, "Yes, they have had those problems for a while. She needs to come back in for more adjustments."*

*When the patient returned to work and told the co-worker about the incident with the CA, the co-worker was extremely upset. She called the office and told the doctor that she was going*



*to file a HIPAA complaint because she did not want anyone to know she had been in the office for care. Even though she knew that the patient and the CA were just concerned over her getting the help she needed, it is against the HIPAA law.*

*She did file a complaint..... . Doctors, please, keep your staff trained. They are not to give out any patient information to another person unless authorized. Patient names are considered protected health information. What could your staff be saying that is against the HIPAA Law and could lead to a lawsuit?*

**Here is another story.**

In the first settlement of a HIPAA enforcement action brought by the Connecticut state attorney general under the new authority granted by the HITECH Act, Connecticut Attorney General Richard Blumenthal announced that the state had entered into an agreement with Health Net for failing to secure patient health and financial information. The AG had brought suit in January based on Health Net's loss of a hard drive containing over 500,000 individuals' records including clinical data, social security numbers, addresses, and other financial information. The company had concluded that the hard drive had been lost due to theft. Compounding the damage, the AG alleged that the company had delayed notifying the affected individuals for over six months.

The press release issued by the AG states:

Under this settlement, Health Net and its affiliates have agreed to: A “Corrective Action Plan” in which Health Net is implementing several detailed measures to protect health information and other private data in compliance with HIPAA. This plan includes continued identity theft protection, improved systems controls, improved management and oversight structures, improved training and awareness for its employees, and improved incentives, monitoring, and reports. A \$250,000 payment to the state representing statutory damages. This payment is intended as a future deterrent to such conduct not only by Health Net, but by other insurers and health care entities that are entrusted with individuals’ private information. An additional contingent payment to the state of \$500,000, should it be established that the lost disk drive was accessed and personal information used illegally, impacting plan members.

*So doctors, are you still carrying home a flash drive in your pocket or purse after work? If you lose it, that could happen to you. Get serious about this.*

***Get compliant and stay compliant.*** *If you do not have a HIPAA Privacy Policies and Procedures Manual or a HIPAA Security Policies and Procedures Manual....call or email me today. Doctors this is important.*

Edie

**Did you make the HITECH changes MANDATED in 2010.**

**Are you compliant?**

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**Please visit my website to purchase the HIPAA Privacy and  
HIPAA Security Policies and Procedures manual,  
as well as, the HITECH HIPAA updates for 2010.**

**[http://www.iccom.org/index\\_files/ICCOMProducts.html](http://www.iccom.org/index_files/ICCOMProducts.html)**

**email me with any questions you may have: [\(click here to email me\)](#)**

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