

Healthcare Technology Advice for the Modern Independent Practice

WHAT'S NEW

Cyber Liability Insurance

At HTA, we always want to make sure our clients are protected against cyber attacks. However, no amount of protection can prevent EVERY attack, which means we also make sure proper safeguards are in place to make recovery as simple as possible. Cyber Liability Insurance is a great building block in that recovery plan, and we're proud to announce that our insurance provider, TechRug, offers Cyber Liability Coverage policies - and if you are a client of ours, you can apply for a discount based on the excellent tech services they know we provide!



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REFERRAL

Join the HTA Advisory Committee!



Have a coffee on us, and get a chance at a FREE iPad.

With our new referral rewards program, every qualified referral enters you into a drawing for a new iPad. Don't miss your chance to win this quarter!

UPCOMING EVENTS

Wednesday,
October 16th

3pm-5pm Minimizing Risk in Your Medical Practice,
Greater Kansas City MGMA,
Overland Park, KS

Wednesday,
October 16th

7:30am-1:45pm Annual Conference
Greater St. Louis MGMA,
Maryland Heights, MO

Thursday,
October 17th

8:30am-4pm MOCPA Healthcare Industry Conference
Greater Heartland HFMA,
St. Louis, MO

Tuesday-Wednesday
October 22-23

8am-5pm Annual Fall Revenue Cycle and Billing Compliance Conference
Greater Heartland HFMA
Columbia, MO



See more at:
htadvisorsllc.com/events



Healthcare Technology Advisors

This monthly publication provided courtesy of Derrick Weisbrod & Hugh Anderson, Founding Advisors of Healthcare Technology Advisors.

Our mission is to be trusted advisors guiding healthcare businesses through the complex IT and HIPAA landscape while providing a comprehensive service that always maintains a human touch.



CYBER LIABILITY INSURANCE: WHAT IS IT AND WHO NEEDS IT?



Cyber liability insurance is an answer to the evolving threat and risk landscape of digital technology. It covers financial losses incurred as the result of a cyber attack such as ransomware or viruses. Typically, a cyber liability insurance policy will cover multiple types of claims. First Party Coverage would apply to the loss or damage to electronic data - this usually covers the cost of restoring or recovering that lost data. It should cover loss of income or extra expenses, such as recouping the money lost during a day of forced downtime while a system is being restored. Meanwhile, cyber extortion coverage would cover the cost of paying a ransom in order to restore data after a ransomware attack. Most entities that end up paying ransoms to recover data are using their cyber liability coverage to do it.

Third-Party Liability Coverage is important if your business is handling the protected data of individuals, such as health or financial data. This coverage would come in to play to cover the cost of any lawsuits filed against you for losing or mishandling customer's data.

Cyber Liability Insurance is a good idea for any business that either relies heavily on its technology and access to data to function, or handles customer's data, especially if that data is sensitive or protected. For healthcare institutions, this coverage can protect not only against downtime and lost hardware or data, but also against the cost of notifying patients, monitoring their credit, and settling any lawsuits that may result from a data breach. Cyber Liability Insurance is becoming a more widely available coverage, and may be available at a discount if your IT and HIPAA Security compliance meets certain benchmarks of competence.

BEST PRACTICE OF THE MONTH: RISK ASSESSMENT AND MANAGEMENT

Risk analysis and management is a core section of the HIPAA Privacy and Security Rules. It involves both an initial assessment to categorize and determine risk and ongoing analysis to track how risks and environments have changed and whether current policies are still appropriate.

The Risk Assessment is important because it helps create a ground level of compliance within an organization, and documents what the starting point is. By looking at every requirement of HIPAA you can note where there are gaps in your organization. Then policies and procedures can be drafted that address these gaps. Further periodic analysis can track these concerns and ensure that your practice is making progress on addressing them or closing the gaps entirely. Beyond tracking compliance, a periodic assessment is vital because the environment around your healthcare practice is always changing. Technology advances swiftly, but even your physical environment might change with a move to a new building, building an extension, changing building security or moving a desk. All these things could affect the physical safeguards needed in your organization to protect PHI and ePHI.

Never carrying out a risk assessment is a direct violation of HIPAA and has been the cause for levied fines, but even waiting too long between analysis can cause problems. For instance, a period of three years can see operating systems leave active support, hardware become compromised, entire software companies bought or sold or closed, new technology implemented and old technology made obsolete. What was compliant on the last analysis could be woefully negligent now, and ignorance does not excuse a violation.

Healthcare Technology Advisors recommends a yearly risk assessment, to be carried out by an impartial third party. This way ongoing security concerns can be tracked and improved, while making sure that new gaps are documented and addressed. HTA offers security risk analysis services if your practice is in need of one.

HIPAA FINE SPOTLIGHT - \$85,000 RIGHT OF ACCESS SETTLEMENT



Earlier this year, the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services announced its Right of Access Initiative, which promised to vigorously enforce patients' rights to access their medical records in a prompt manner without being overcharged. On September 9th, the OCR announced its first ever enforcement action and settlement over right of access.

Bayfront Health in St. Petersburg, Florida, a 480-bed hospital, was the subject of a complaint made in August, 2018 from a mother who had failed to receive the heart monitor records of her unborn child after making the initial request in October of 2017. As OCR launched its investigation Bayfront finally provided the records, nine months after the initial request was made. Under HIPAA law, providers are required to supply patients with their requested medical records within 30 days, while charging on a reasonable fee. This law also applies to legal guardians seeking the records of their minor children, or in this case, the prenatal records of a child.

This delay has cost Bayfront \$85,000. In addition to the financial penalty, the settlement details that the hospital must adopt a corrective action plan that will involve extensive review and updating of their HIPAA policies, and submit to one year of monitoring by OCR. They will also be required to update these policies on a yearly basis.

Right of Access is a key part of HIPAA, as portability and accessibility is written into the acronym. While the law originally conceived of being able to obtain written copies of health records and then be free to take them to any health provider a patient wishes to see, with the advent of technology and electronic health records this became infinitely more complicated. Now, patients may wish to have records shared easily between doctors' offices or entire networks as they visit specialists and varying hospitals. However, with the need to simultaneously protect PHI from unauthorized viewers, some organizations have either made the process purposefully difficult, or simply failed to find a way to streamline it. Yet the right of patients to access their health records in a manner that is appropriate (either digitally or on paper), in a timely manner, and at no extravagant cost, is written into law.

With OCR continuing on its Right of Access Initiative, it may be wise for all organizations to review their process for granting access requests to patients, as a failure to comply in a timely manner may not only result in a fine but a wider and broader investigation by OCR.

GREATER ST. LOUIS MGMA ANNUAL CONFERENCE



This month the Greater St. Louis MGMA is thrilled to present their Annual Conference at Orlando's Maryland Heights. The conference will kick off on Wednesday the 16th at 7:30am with registration and breakfast, networking, and visiting exhibitors. This conference will feature six educational sessions, ending at 2pm after lunch, dessert, and a closing session.

The Annual Conference draws in practice managers from across the Greater St. Louis area every year to partake in networking, discussions, and educational panels about leadership, human resources, finance, and compliance in healthcare. This conference focuses on insurance and advocacy issues and provides tools and resources for practice managers and billing staff.

Every year the conference features one charity, and this year, HTA is particularly pleased to note that Lydia's House is the featured charity. They will have a booth where you can learn more about their mission, make donations directly to them, or purchase their Lucinda Pins.

MGMA always strives to bring forth the best authorities from our communities to speak on educational topics for the conference. This year, the sessions will feature a diverse topic list from communications to collections!

Jill Golde, of MS Language of Caring, will discuss the effects of empathic communication and strategies to teach it to staff in the morning general session.

Following, two breakout sessions will be presented. Travis Heimbuch of Professional Office Services, Inc. will speak on Optimizing Revenue Cycle with Patient Interactions. Meanwhile Christine Keefe of Metro Imaging will moderate a panel discussing Recruitment and Retention of employees. The panel will include Elain Baragiola of Esse Health, Cierra Brown, Practice Manager for Allergy, Asthma & Food Allergy Centers, and Tammie Cooper of Signature Medical Group.

Lunch will feature a Business Partner Town Hall Meeting moderated by Dee Troutt of Commerce Bank, followed by two breakout sessions of HIPAA Hot Topics, presented by Scott T. Gima of Management Performance Associates, and a presentation by Barbara Faupel of Allergy Consultants on How to Collect from Patients in Person in a High Deductible Era. The conference will conclude after lunch (and dessert) with Richelle Rennegarbe of McKendree University presenting on how to attract and retain engaged employees.

Online registration is open for this event until October 15th. You can find more information and register at Greater St. Louis MGMA's website: mgmastl.org/page/AnnualConference

We can't wait to see you there!