

What's Your Compliance IQ?

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HIPAA News

A mid-year look at breaches shows the largest breaches involved hackers and targeted business associates, the theft of unencrypted laptops and the improper disposal of paper records also led to large breaches.

So far this calendar year, 250 breaches affecting 5.4M people have been added. The 10 largest breaches this year involved 2.8 M people and accounted for 52% of people affected so far.

Hacker/IT incidents are at 150 incidents affecting 3.8M people. Some 101 of these incidents were apparent phishing incidents. Recent data indicates the leading cause of the current cyberattack trend is hackers attacking healthcare organizations through phishing. The second most common breach cat-

egory are unauthorized access/disclosure incidents (64) affecting almost 298,000 people. 82 incidents have involved a Business Associate affecting a combined total of 2.55 M people.

All organizations should prepare for the eventuality of one of its vendors suffering a cybersecurity incident. Steps should be taken to both be able to respond and recover impacting data they create or maintain for the company.

A new billing vendor breach has affected 270,000 individuals. Because the perpetrator used associate credentials, it could indicate the system was compromised through a phishing attack.

Experts suggest this and other incidents highlight the need to go be-

yond just having a Business Associate (BA) sign a BA agreement and then doing no oversight or regular follow up to be sure they have actually implemented actions, processes, procedures, and tools necessary to fulfill what the BAA has required them to do.

Fraudsters used phishing emails purporting to be a warning from Chase Bank about "unusual activity" on credit cards in an attempt to steal consumer's account credentials. These emails contained far more detail than most such campaigns. By padding the email with mostly valid content & links, attackers tried to deceive legacy email security tools into perceiving the email was benign.

Associates should vigilant about Chase email received.

Compliance News

Consider adding one or more IT experts to the survey response team if you are anticipating surveys from CMS, the Joint Commission or other accrediting agencies.

Many surveys are being conducted at least in part through virtual technology, and having someone familiar with uploading documents and managing the virtual meetings as well as tracer activity will be needed based on feedback from those with recent experience.

Northern Louisiana Regional Medical Center has entered into a Corporate Integrity Agreement (Community Health Systems) with the OIG. Community Health Systems, Inc. is the nation's largest operator of acute care hospitals and agreed to pay \$98.15M to settle a number

of lawsuits alleging it billed the government for inpatient services that should have been billed as OP or observation services. It is based in Franklin, TN but has 206 hospitals in 29 states.

Surprise bills for out-of-network services continue to be an important issue for healthcare consumers. According to a Health Care Cost institute study, pathologists are the specialists most often billing for out-of-network hospital charges.

Among the pathologists surveyed, 33% had at least one out-of-network claim for an in-network outpatient visit.

Two former MedComp Laboratory Services employees filed a Whistleblower lawsuit alleging a scheme to

pay kickbacks to 61 doctors in exchange for sending Medicare patient urine samples to a sham reference lab for testing. This scheme was also the subject of a federal crime investigation. The Louisiana court was asked to delay the whistleblower case until the criminal case is resolved & the stay was approved. Both cases involve the same issues.

CMS has released 2021 ICD-10 codes several weeks earlier than usual. They will be effective 10-1-20. There will be a new section for COVID-19 expanding the temporary guidelines posted in April.

New instructions include acute respiratory & non-respiratory manifestations, pregnancy, & newborn COVID-19 infections.

Safety

NIOSH has developed a summary of the CDC guidance on handling PPE shortages during the pandemic. The summary can be found by going to [quick reference table](#)

OSHA has published its Top 10 violations for 2019. Those that could be related to the laboratory are: fall protection, lockout/tag-out, respiratory protection, and PPE.

If a Class 2 Biological Safety Cabinet is not available to handle COVID-19 specimens, staff can use a N95 or surgical mask w/face protection.

Even in sites w/small containers of

formaldehyde, it is good practice to have a small container of neutralizer or a neutralizer pad. With storage of larger volumes, larger volumes of spill material is good practice. 10% formaldehyde is not flammable but 37% formaldehyde is & must be stored in a flammable cabinet.

Long beards should be covered in the laboratory because of the danger of being caught in equipment or bacterial contamination in the laboratory.

Bare legs are not acceptable in the lab to avoid the risk of skin exposure. If skirts are worn for religious reasons, it should be mandated it be at ankle length. Socks & hosiery are

not considered protective.

If a risk assessment shows a lab coat is needed for a phlebotomy, it cannot also be worn & used in the lab. OSHA forbids PPE used in the lab to exit the laboratory.

Commercial wipes w/bleach, if used, have a splash risk to the user both high & frequent, consider other products such as 10% bleach spray or offer disposable goggles to associates using them.

Every institution should have a COVID-19 health & safety plan to protect associates. Appropriate PPE & disinfectants should be available to all.

Miscellaneous

A recently published case of Melioidosis in a Texas resident has increased concerns the *Burkholderia pseudomallei* the organism causing this rare disease may be present in soil and water in some U.S. southwestern areas. It is classified as a Tier I Select Agent and laboratories in these areas should be aware of it and the unintentional exposure of laboratory staff if not handled using appropriate biosafety methods.

The Joint Commission has earned

approval as an Accrediting Organization for only 2 years this time, not the maximum 6 years allowed by regulation. The shorter term is based on concerns related to comparability of survey processes to those of CMS as well as what CMS observed regarding performance on the survey observation.

Some stem from the level of detail provided in daily briefings to facilities as well as its processes surrounding staff interview processes. Another

concern was the re-view of medical records & surveying off-site locations in particular the Physical Environment Condition of Participation.

It has been ruled the federal government can cut Medicare payments to off-campus clinics to make them in line with independent physician practices HHS explained the site-neutral cut would eliminate an incentive to control volume of unnecessary services.

Fun Spot



Answer to June Puzzle:
Carpet

July Puzzle:
What goes up when the rain comes down?

Trivia:

- July & April start on the same day each year.
- Daydreamers are better at solving complex problems.
- Sunflowers can be used to clean up radioactive waste.
- Play-Doh was first manufactured as a wallpaper cleaner.
- If you mouth the word "colorful"

to someone, it looks like you are saying "I love you."

- An iceberg contains more heat than a lit match.
- The face of a penny can hold about 30 drops of water.
- Most people who read the word yawning will yawn.
- Peanuts are one of the ingredients of dynamite.
- Divide your height by 8—that is how tall your head is.
- It is not possible to create a folder named "con" on a Windows computer.
- Google was originally called "Backrub."