

Health Information Compliance Alert

HEALTH INFORMATION NEWS: PHI & YOUR LEGAL BATTLES DON'T MIX

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If you think your attorneys can display ex-employees' PHI in discovery disputes, you could be facing a privacy complaint.

That's what information storage company EMC Corp. learned after its defense counsel attached **Caron Rakich's** insurance information to an open court filing. **Alden Knisbacher**, Rakich's lawyer, quickly asked that the information be sealed; however, Rakich claims the exposure caused her "severe embarrassment and humiliation," the New York Law Journal reports.

The law firm representing EMC Corp., Paul, Hastings, Janofsky & Walker, claim to have "at all times acted properly in its representation of EMC in that litigation."

The Bottom Line: You can expect to see similar disputes as federal privacy rights butt up against each state's litigation privileges.

NEW BILL GETS YOU 'WIRED' FOR TECHNOLOGY

Just when you thought you'd have to understand multiple health information technology (IT) proposals, the Senate Health, Education, Labor and Pensions Committee passed one bill to replace the others.

Passed July 20, the Wired for Health Care Quality Act (S. 1418) would:

1. Establish competitive grants for providers to buy or improve certified health IT systems;
2. Provide competitive grants to states for low-cost loans to providers to buy or upgrade health IT;
3. Authorize the implementation and certification of health IT standards;
4. Develop a demonstration program to integrate health IT into clinical education;
5. Require evidence-based, risk-adjusted health quality measures that cover process, structure, patient experience, efficiency and equity, and that spot overuse, underuse and misuse of health care services; and
6. Provide technical assistance to health IT users.

Sens. **Michael Enzi** (R-WY), **Edward Kennedy** (D-MA), **Bill Frist** (R-TN) and **Hillary Clinton** (D-NY) introduced the previous proposals and sponsored the new bill.

The Bottom Line: You will soon be able to compete for federal grants that will help you purchase technology to improve your patient care.

SEEK OUT YOUR SITE'S SECURITY FLAWS

You must monitor your Web site to ensure patients' information remains protected from inappropriate access.

More than 1,000 pages of medical information were posted inadvertently on Willamette Education Service District's

(WESD) Web site, the Oregon Statesman Journal discovered.

WESD is sending letters to each of its clients apologizing for the mistake and providing recipients with information on how to protect themselves from identity theft.

The district also immediately shut down the site and hired an independent security auditor to test thoroughly its entire operation for other hidden breaches.

The Bottom Line: Don't wait for an outsider to uncover your security gaps. Examine your organization and its Web site for potential breaches - before it's too late.