

## Federal law now requires notification to members of personal health information security breach

A federal law that went into effect September 23 requires health plan providers in some cases to notify members and others, including the media, if a breach of security occurs involving members' personal health information.

**We want to assure you that we consider the protection of member health information of utmost importance and has procedures in place to take action should a possible breach of security occur involving any personal health information.**

According to this law, when there is a breach of security, the health plan must notify the member(s) affected, the U.S. Secretary of Health and Human Services (HHS), and, if the breach affects 500 or more members in a geographic area, to the local media.

Notification is required whether the disclosure of personal health information is the result of an accident, human error, a mailing error, the loss or theft of unencrypted hardware containing member information, or any forbidden access to a health plan provider network. The cause could be as simple as two Explanation of Health Care Benefits (EOBs) being inadvertently stuffed into one envelope.

Disclosures required by law, those made with an individual's authorization, or otherwise allowed by corporate privacy policies do not qualify as security breaches requiring notification.

These changes are a part of the HIPAA changes included in the Health Information Technology for Economic and Clinical Health Act (HITECH Act). This act was in turn a part of the American Recovery and Reinvestment Act of 2009, signed into law by President Obama in February 2009.

While the notification requirements went into effect September 23, 2009, HHS has made the decision to not impose sanctions for failing to provide the required communication before February 22, 2010.