DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

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Protecting Patient Personal Health Information

Provider Types Affected

This MLN Matters® Article is intended for physicians, including physician group practices, that are covered entities under the Health Insurance Portability and Accountability Act (HIPAA) using electronic systems to store Personal Health Information (PHI) of their Medicare patients.

Provider Action Needed

This MLN Matters Special Edition Article reminds physicians of the HIPAA requirement to protect the confidentiality of the PHI of their patients. Recently, the Centers for Medicare & Medicaid Services (CMS) learned of a potential security breach in which someone was **offering for sale over 650,000 records** of orthopedic patients. Remember that a covered entity must notify the Secretary of Health and Human Services if it discovers a breach of unsecured protected health information. See **45 C.F.R. § 164.408**. Also, keep abreast of any issues that your business associates, especially those entities that provide you with hardware and/or software support for your patient electronic health records. Be sure they are required to report any actual or potential security breaches to you, especially threats that compromise patient PHI.

Background

CMS is providing this information in response to a recent report from the Cyber Health Working Group. This group recently reported the detection of an offer to sell six databases, three of which were databases that appeared to be orthopedic databases. Providers need to

be extremely conscious of their systems security, especially with systems that connect to the Internet.

Additional Information

The report on the advertised sale of patient databases is available at **http://hothardware.com/news/hacker-reportedly-infiltrates-three-us-healthcare-companies-offers-650000-patient-records-for-sale**.

45 CFR 164.408 is available at **https://www.gpo.gov/fdsys/granule/CFR-2011-title45-vol1/CFR-2011-title45-vol1-sec164-408**.

Information on reporting breaches of security is available at **http://www.hhs.gov/hipaa/for-professionals/breach-notification/breach-reporting/index.html**.