

What's Your Compliance IQ?

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HIPAA News

Data breaches declined by 24% globally the first 6 months of 2021, but breaches in the U.S. increased by 15%. The number of records exposed declined. This report confirms the healthcare industry continues to have more breaches than any other industry sector this year. There has been a marked increase in ransomware attacks.

Healthcare reliance on access to data & the high cost of downtime increases the probability of the ransom being paid. Beginning in 2020 ransomware attacks started to take longer to report & that trend continues.

The majority of reported breaches were hacking incidents. Web breaches were only 4.3% but resulted in the largest number of breached records. Breach severity is increasing which is a concern.

Compliance News

At the hearing held to address a series of ransomware attacks on critical infrastructure, Congress heard from security experts.

Congress should pass legislation requiring reporting of certain incidents to the federal government, give law enforcement agencies more tools to disrupt cybercriminal activity & enhance the ability of federal prosecutors to pursue prosecutions according to testimony. Both houses are currently considering numerous bills to bolster cybersecurity.

Some want the federal government to mandate companies supporting the nation's critical infrastructure to meet cybersecurity requirements.

The U.S. Cybersecurity & Infrastructure Agency (CISA) has launched a

A recent survey indicated 74% of organizations have experienced a data breach as the result of an associate breaking the rules. IT leaders indicated remote work has increased the risk with 53% reporting an increase in phishing incidents, with many sophisticated attacks. 94% of organizations reported an insider data breach in the past year.

Federal False Claims Act enforcement, created under HIPAA, seems to be gathering momentum. More money was recovered in FY 2020 than the previous year; recoveries for the year reached nearly \$3.1B, highest since 2016. The FY 2020 Return on Investment (ROI) returned for each \$1 invested is \$4.30. Money recovered is up despite convictions declining during the same period. Genetic & other testing labs played a prominent role in the take-

down of telemedicine fraud, the largest collaboration in history. In addition to the usual kickback & Stark recoveries, enforcers targeted COVID-19 add-on tests, antibiotic resistance panels, genetic testing, & cardiac panels.

There has been a major increase in cyberattacks in 2021 from 2020. Even if there is no other ransomware attack in 2021, 2021 will be the worst year of attacks ever. Certain states have been extensively attacked. Florida is by far the worst attacked state registering 111M ransomware hits. There were 26M hits in NY, 20M in Idaho, & 8.8M in LA. It is becoming more common for there to be repeat attacks on organizations paying the ransom since there is a good chance a second ransom will be paid. One positive note is the number of malware attacks has declined significantly.

new tool that can be used by organizations to assess how well they are equipped to defend & recover from a ransomware attack. The Ransomware Readiness Assessment module has added CISA's Cyber Security Evaluation Tool (CSET), a desktop software tool. It can be used to perform a comprehensive evaluation of cybersecurity posture using government & industry standards & recommendations.

CISA is urging all organizations to install the CSET tool & conduct an assessment to evaluate cybersecurity defenses.

CMS is taking action to respond to future public health emergencies in our hospitals through a rule released 8-3-21. The rule, effective 10-1-21, authorizes additional payments for diag-

nostics & therapies to treat COVID-19 during the public health emergency & beyond. Some changes will incentivize the meaningful use of certified EHR technology that will help public health officials monitor unplanned events.

OIG conducted its regular inspection of the LA Medicaid unit in 12-20, which covered a 3 year period. The unit generally complied with applicable legal requirements except on case that was ineligible for matching funds; these funds are to be refunded to the government.

Any patient ID issue, however minor must be reported to the responsible caregiver per policy. The healthcare professional is accountable for ensuring the patient ID is verified by the required ID facility policy.

Safety

OSHA will issue a proposal for a new infectious diseases according to the Department of Labor. Although the Bloodborne Pathogens standard has been effective protecting workers, it does not address infectious diseases transmitted by other routes (i.e., contact, droplet, airborne). The agency intends to issue a notice of proposed rulemaking in December, '21.

FEMA has issued its "Prepare Your Organization for a Hurricane Playbook" found at [Prepare Your Organization for a Hurricane Playbook](#). While this document focuses on hurricanes, scenarios can be developed for any type of

disaster situation and details how to conduct a table-top drill for to test the facility emergency management plan. To access the playbook, hit Control (CTRL) & click at the same time when over the title here.

Specimens should always be closed or capped when centrifuged including urine specimens for microscopic examination. Centrifugation generates aerosols & it is a hazard to not spin specimens closed or capped.

A Safety Data Sheet may be discarded when the chemical is no longer in use in the laboratory unless it was involved in an employee incident such as an exposure—in the

latter situation, the SDS must be kept 30 years.

If reading culture plates involves using chemicals such as performing an oxidase or catalase test, open chemicals are being used & face protection would be needed. Goggles or safety shields can be used.

A 10% bleach solution is the best for disinfection in the laboratory. It is an intermediate strength germicide which will eliminate most bacteria, including *M. tuberculosis*, all fungi, & it inactivates viruses. Another intermediate strength disinfectant, if EPA-registered & kills the same organisms is acceptable also. Bleach wipes are also available.

Miscellaneous

Biocrime & bioterrorism the threatened or actual misuse of biological or toxic agent to harm an individual or group. Clinical laboratories possess these types of materials.

To limit any misuse of these types of materials, it is essential that laboratories understand the importance of implementing a robust laboratory biosecurity program.

Nine critical vulnerabilities have been identified in the Nexus Con-

Troll panel of Swisslog Healthcare Translogic Pneumatic Tube System used in more than 80% of major hospitals in the U.S.

The flaws can be exploited by a threat actor cause denial of service, harvest sensitive data such as RFID credentials of associates, & to perform reconnaissance to identify the functions or location of the stations & gain an understanding of the tube network. They could also be exploited to deliver a ransomware at-

tack Using ransomware or simply shutting down stations, operations can be severely derailed.

Researchers estimate there are more than 160,000 adverse events annually due to mislabeled specimens. This includes those incidents when the ID from the requisition & the ID used by the patient do not match (i.e., name or other discrepancy). The latter can create a situation whereby the patient information does not link with the patient medical record..

Fun Spot



July Puzzle Answer: A Mushroom

August Puzzle: What is unusual about these words: revive, banana, grammar, voodoo, access, potato, dresser, uneven?

Trivia:

- Elephants purr like cats do as a means of communication.
- A duck's quack has no echo.
- The female black widow's venom is 15x deadlier than that of a rattlesnake.
- The hole in the soda can tab is used to hold a straw in place & stop it from rising.

- Sunflowers can be used to clean up radioactive waste.
- A lump of pure gold the size of a matchbox can be flattened into a sheet the size of a tennis court.
- A typical lead pencil can draw a line 35 miles long.
- If you dropped an aerodynamic object (such a bullet) from the Empire State Building, you could kill someone
- 97% of all paper money in the U.S. contains traces of cocaine.
- Recycling 1 glass jar saves enough energy to watch TV 3 hrs