



The Anthem Cyber Attack: How Does HIPAA Apply? What You Need To Know.

What happened?

On January 29, 2015, Anthem discovered it was the victim of a sophisticated cyberattack. Approximately 80 million people may be impacted, including current and former members of Anthem's affiliated health plans and members of other independent plans that received services from and through Anthem. The information accessed included names, dates of birth, Social Security numbers, home addresses, and employment information. Anthem does not believe that credit card, banking, or medical information like claims, test results or diagnostic codes was targeted or accessed.

What is Anthem doing to protect impacted individuals?

Anthem has offered free identity theft repair and credit monitoring services to current and former members of an affected Anthem plan. For additional details visit: www.anthemfacts.com.

Does HIPAA apply?

Thus far, Anthem has asserted that medical information was not accessed. However, if information such as names, addresses or phone numbers were listed with a health condition, health care provision or payment data, then it would be considered protected health information (PHI) and Anthem would be required to report the breach to HHS.

What should Plan Sponsors do?

For fully insured health plans, Anthem most likely has full responsibility to provide notice to the affected health plan participants. Plan sponsors of self-funded health plans should review their contracts with Anthem, which may include Administrative Service Agreements and Business Associate Agreements, to ensure that the notification requirements have been delegated to Anthem. If these responsibilities have not been delegated to Anthem, the Plan sponsor should contact Anthem to discuss each party's responsibility relating to the cyberattack.

For plan sponsors that do not have a direct relationship with Anthem, the cyberattack should serve as a reminder to ensure that the health plan is HIPAA compliant.

How Do Covered Entities And Business Associates Become HIPAA Compliant?

- Perform a Risk Analysis.
- Develop and Implement Policies and Procedures.
- Conduct Workforce HIPAA/HITECH Training.
- Document the Entire Process.

Please contact our office to discuss how we can further assist you in meeting your resolution to become HIPAA/HITECH compliant.

Dated: March 2, 2015