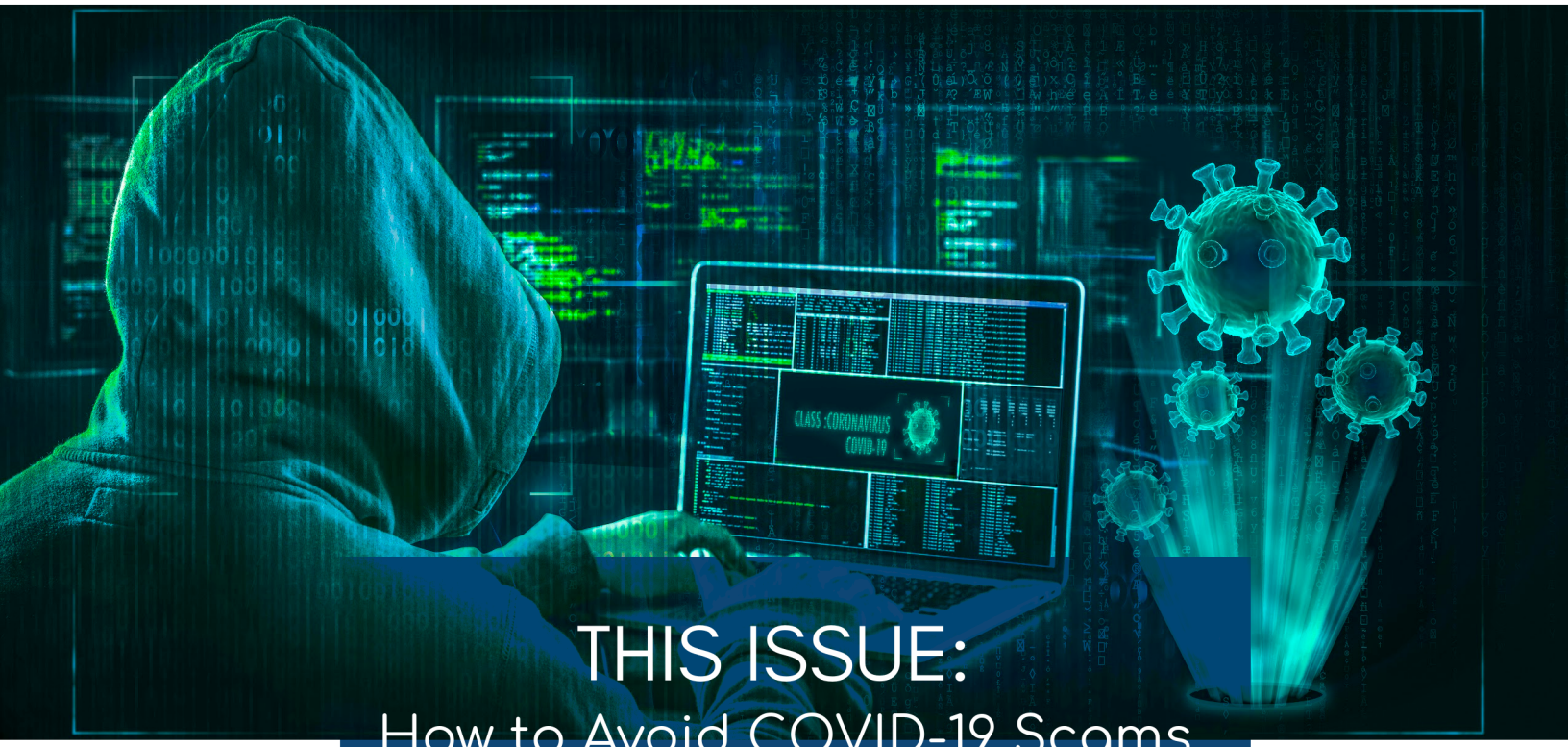
SCHAFFER & ASSOCIATES LPA

Spring 2021 Newsletter



THIS ISSUE:

How to Avoid COVID-19 Scams
HIPAA Overhaul on the Horizon

Unfortunately, there are many people out there using the COVID-19 crisis to their advantage by scamming others. These scams are running rampant, and if fallen for can greatly compromise the security of your finances, identity, and more.

It's important to be aware of ongoing scams, as there are several types of fraud with recognizable patterns you can be on the lookout for. Fraudsters will often use similar methods or the same blatant lies to get what they're after.

Please know the following list certainly does not cover every scam out there, or describe all variations of these types of scams. The following notices from the Social Security Administration describe some of the most prevalent scams related to COVID-19 that they and other government agencies are seeing.

Known Social Security Scams

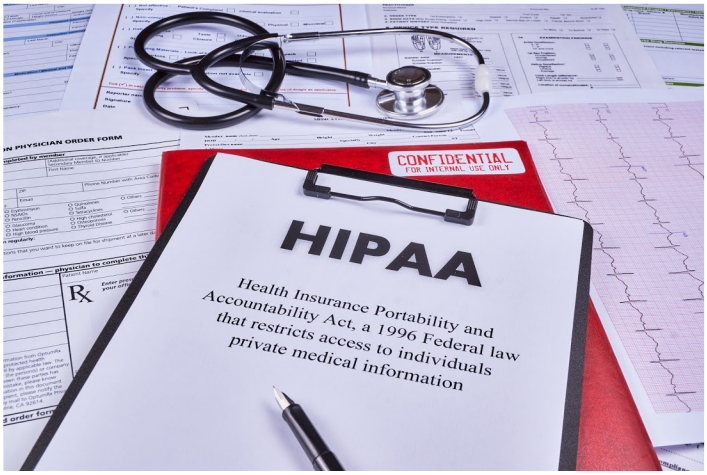
"The Inspector-General of Social Security, Gail S. Ennis, is warning the public about fraudulent letters threatening suspension of Social Security benefits due to COVID-19-related office closures." This is simply not true. The Social Security Administration has stated numerous times that they will, "not suspend or discontinue benefits because their offices are closed to walk-in visitors." Examples of these letters can be viewed oig.hhs.gov.

"The U.S. Department of Health and Human Services Office of Inspector General is alerting the public about scammers who offer COVID-19 tests to Medicare beneficiaries in exchange for personal details, including Medicare information. However, the services are unapproved and illegitimate." You can learn more about this and other COVID-19 fraud from HHS oig.hhs.gov.

"The Federal Trade Commission (FTC) is alerting people about various COVID-19-related fraud and scams. From contact tracing scams to treatment claims, government imposter scams, and fraud related to economic impact payments." Learn about all COVID-19-related fraud and scams here. This type of scam should be reported directly to the FTC at reportfraud.ftc.gov.

"The Financial Crimes Enforcement Network (FINCEN) is alerting financial institutions about Unemployment Insurance (UI) fraud. They have identified multiple fraud schemes, including identity-related fraud, in which filers submit applications for UI payments using stolen or fake identification to receive payments." Find more about UI fraud schemes from FINCEN at fincen.gov.

"To report this type of fraud, please contact the appropriate state fraud hotline on the Department of Labor's website. If you receive Supplemental Security Income benefits, and you suspect UI fraud, contact your local Social Security Office immediately." You can find your local office's number at ssa.gov.



HIPAA

Major Changes to Help Attorneys and Clients

On December 10, 2020, the U.S. The Department of Health and Human Services (HHS) proposed vast changes to the Health Insurance Portability and Accountability Act (HIPAA). Currently, the law makes it clear that patients are the owners of their own personal medical records. Medical entities and doctors are required to disclose medical records at patient request, in the format the patient requested, within a reasonable amount of time, and at a reasonable cost.

Despite best intentions, this has not always been the case. Anyone who has ever tried to request their medical records, or request records on behalf of someone else, has surely been met with hoops to jump through, long wait times, and high costs. These limitations do not go without repercussions, such as in the case of Annette Monachelli, who died of a brain aneurysm before CT scan orders could make their way through the system to the appropriate department.

Therefore, the goal of these changes is to make it easier to gain access to patient medical records. If put into practice, these changes are expected to empower patients, reduce administrative costs related to medical record retrieval, and better coordinate legal services and medical care.

Notice of Privacy Forms

Currently, HIPAA requires medical providers to keep a record of "notice of privacy practices" forms for 6 years after they've been signed. Instead, the newly suggested language for HIPAA describes an alternative, where healthcare providers merely need to inform patients of where privacy practices can be found. With nothing to be signed or saved, this change alone is estimated to save $3.2 billion over 5 years.

Roger Severino, director of HHS' Office for Civil Rights claims keeping up with these forms only wastes resources and causes more harm than good. The language on the form confuses patients; some shared they thought they were signing away their right to privacy entirely. It also creates holes in treatment when patients don't sign; cases have been reported of medical providers refusing treatment without these signatures.

Fast and Free Records

Severino and his government counterparts stated they do not believe that "a patient's personal medical records should be profit centers for providers". Because of this, the HIPAA overhaul contains provisions for an electronic document system that patients can access and share free of charge. Records will be required to be uploaded to the system within 15 days of the request, shredding the previous allotment for wait time by half.

Patients will also be permitted to take photos, with their smartphone for example, of any of their records while at their provider's office. This includes records such as x-rays and other types of scans. They will also be able to permit their doctors to request their medical records from another office.

These new rules and permissions are not only beneficial to patients, but also attorneys representing these patients in workers' compensation, personal injury, Social Security cases, and more. Attorneys depend on medical records to effectively represent their clients in many types of cases. This sometimes requires paying large medical record retrieval fees that in turn fall on the client to reimburse. In addition, long wait times for these records creates problems for everyone involved. Timely receipt of accurate medical records can make or break a case.

The rule is open for public comment through mid-February. 180 days after that it will become final, however, enforcement of the new rule will not begin until another 240 days after publishing.

References

Ault, Alicia. (December 11, 2020). Proposed HIPAA Overhaul to Ease Access to Patient Health Info. Retireved January 20, 2021 from https://www.medscape.com/viewarticle/942502

Courtroom View Network. (December 23, 020). Federal Plan to Overhaul Medical Records Rules Promises Big Changes for Law Firms. Retrieved January 20, 2021 from https://blog.cvn.com/latest-federal-plan-to-overhaul-medical-records-rules-promises-big-changes-for-law-firms?utm_campaign=ChartSquad%20Essentials%20Access&utm_medium=email&_hsmi=104165842&_hsenc=p2ANqtz-9tZLjAb_woe0W-e80j9A75x1mQhNdGZ04yQdHIVlfoEQ7k_gF1aq_aM6zEjIiBKgNp4feBwNSOnHx384A-L2YlWDTlHQ&utm_content=104165842&utm_source=hs_email&fbclid=IwAR3R9cuXFs98Pa-jRNsTTOFdgbaEUV33Cmsn22OST3AkxGOCv7Ijlor4OtI

Heath, Sarah. (n.d.) AHIMA, AMIA: HIPAA Overhaul Needed for Patient Data Access. Retrieved January, 20, 2021 from https://patientengagementhit.com/news/ahima-amia-hipaa-overhaul-needed-for-patient-data-access

Schulte, Fred and Fry, Erika. (March 18, 2019). Death By 1,000 Clicks: Where Electronic Health Records Went Wrong. Retrieve January 20, 2021 from https://khn.org/news/death-by-a-thousand-clicks/