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## **PHI On Photocopier Hard Drives... Is Your Organization At Risk?**

Last week, the U.S. Department of Health and Human Services (HHS) announced yet another HIPAA settlement for more than \$1 million. Affinity Health Plan must pay \$1,215,780 for returning multiple photocopiers to its leasing agents without erasing the data on the hard drives. The hard drives contained protected health information (PHI). Affinity reported the data breach to HHS in April 2010 and estimated that up to 344,579 individuals were affected by the breach.

The government's investigation revealed that Affinity failed to incorporate the electronic PHI stored on photocopier hard drives in its risk analysis, as required by the Security Rule, and failed to implement policies and procedures when returning photocopiers to leasing agents.

This settlement demonstrates how PHI may be electronically stored in locations that are easily overlooked. Has your organization considered PHI stored on photocopier hard drives in its risk analysis? Do you have policies and procedures regarding the return of photocopiers to leasing agents? Performing a complete inventory of the location of all PHI is an essential step to comply with the HIPAA Security Rule.

With the compliance date for the new HIPAA rules approaching on September 23, 2013, in addition to updating your HIPAA program to comply with these rules, you may want to perform an updated risk analysis and ensure you have considered easily overlooked storage locations of PHI like photocopier hard drives.

If you have any questions regarding the HIPAA Security Rule, performing a risk analysis, or compliance with the new HIPAA regulations, please contact your Thompson Coburn attorney or any of the attorneys in our Health Care or Employee Benefits practices.

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