



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES**

Steven L. Beshear
Governor

275 East Main Street, 6W-A
Frankfort, KY 40621
P: 502-564-4321
F: 502-564-0509
www.chfs.ky.gov

Audrey Tayse Haynes
Secretary

Lawrence Kissner
Commissioner

April 23, 2013

Mr. Mark Carter
Passport Health Plan
5100 Commerce Crossing Drive
Louisville, KY 40229

Dear Mr. Carter,

I am writing this Letter of Concern in regards to a report that Passport submitted concerning a potential HIPAA violation that occurred on or about in January 10, 2014. According to the report, Passport sent a letter to the biological mother of a minor member, rather than to the adoptive mother. According to the report, Passport took immediate steps to correct the error and ensure that such a mailing would not happen again.

I appreciate Passport's action to remedy the situation and prevent this from happening to future adoptive/foster families when an address change occurs. However, Passport's report indicates that this was an isolated incident. Nowhere in the report is there any mention of action taken by Passport to review the current files to make sure the "Y" indicator, which was the cause of the problem, has been removed from other adopted/foster members. In accordance with Contract Section 39.4(B), I am asking that Passport notify me within two business days of receipt of this letter with what Passport has done to examine the files of adopted/foster children to ensure no other letters were mailed to the wrong address. This notification may be by telephone, email or postal mail.

I look forward to receiving Passports response and will be available for any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom McMahan".

Thomas McMahan
Senior Policy Advisor
Department for Medicaid Services

cc: Lawrence Kissner, Commissioner, Department of Medicaid Services



Lee A. Guice, Director of Policy and Operations, Department of Medicaid Services
Christina Heavrin, General Counsel, Cabinet for Health and Family Services
Elizabeth Justus, Managed Care Oversight, Department for Medicaid Services