PASSPORT HEALTH PLAN

June 11, 2014

Mr. Thomas McMahan
Senior Policy Advisor
Managed Care Oversight
Department for Medicaid Services
275 East Main Street 6WA
Frankfort, KY 40621

Re: PP2014RC-1: Response to Corrective Action Plan Regarding Confidentiality of Records

Dear Mr. McMahan:

This letter is Passport Health Plan's ("Passport") response to the Department for Medicaid Services' ("Department"), May 27, 2014 letter, regarding the above subject. Specifically, the letter states that Passport failed to maintain the confidentiality of the name of a member who is an adopted child and failed to notify the Department. As a result, the Department requested that we submit to the Department a Corrective Action Plan delineating the time and manner in which each deficiency is to be corrected. We have outlined within this letter Passport's corrective action plan focused on three primary areas – (1) associate training; (2) verification that no other members have been affected; and (3) actions regarding a possible reoccurrence in the future.

A. Training
In the chart below, we have outlined training of Passport associates related to issues associated with this matter that will be conducted for the time period June through September, 2014.

CORRECTIVE ACTION PLAN – TRAINING June 2014 – September 2014		
Month	**Training Type**	**Training Document**
June	HIPAA Privacy Standards	ComplianceWire Module CBT Training (90 min.)
June & July	Compliance Tips (Reporting, Awareness, etc.)	Compliance Tips PowerPoint Live Training – Staff Meetings (Attachment A)
July	HIPAA Reporting	To Report or Not Report – Protected Health Information (Attachment B)
July	Code of Conflict & Conflict of Interest	ComplianceWire Module CBT Training (45/min. each)
August	Discrimination and Harassment Free Work Place & False Claims Act	ComplianceWire Module CBT Training (45 min. each)
September	HIPAA & Fraud, Waste and Abuse	ComplianceWire Module CBT Training (45 min. each)

B. Passport will report the status of the above training monthly by the 5th day of the month following the month in which the training occurs.
Effect on Members

Your letter requested verification that no other members have been affected by the programming error that caused the unauthorized disclosure. We have reviewed our records and discussed this matter with our staff and have determined that there have been no other occurrences that have been reported by members. In order to reduce the likelihood of additional occurrences of this situation, we acted quickly in removing the "Y" indicator that was included in their Address field to override the address provided by the Department. Unfortunately, the consequence of removing th "Y" indicator results in our inability to search on this criteria to determine whether any other members have been affected.

C. Possible Future Reoccurrence
In the event a member reports a disclosure of this nature, Passport will report to the Department a well as follow the recurrence plan listed below.

REOCCURENCE PLAN **Action Plan in the Event of a Reoccurrence**		
Report incidence within 24 hours	Report to Commissioner & KY State Director of Procurement	Include incident description, initi findings, number of members affected and next steps in the preliminary investigation
Take action as outlined in Policy # CO 5: Duty to Report Security or Privacy Breach and Mitigate the Effect	Update appropriate Department staff	(Attachment C - Policy # CO 5)

We would like to bring to the Department's attention that throughout the investigation and subsequent reporting process, Passport discussed this matter with Mary Tansey, Assistant Counsel at the Cabinet for Health and Family Services, who has responsibility for privacy matters. We kept her updated on our handling of this matter and shared with her our Breach Risk Assessment Report in which we concluded that this disclosure was not as a reportable breach. Passport discussed this conclusion with Ms. Tansey who concurred with our finding.

Thank you for your acknowledgement of Passport's previous and ongoing steps to remediate this issue a well as mitigate future occurrences. As you can see from the multiple trainings listed above, Passport is committed to compliance education with particular focus on HIPAA Privacy and HIPAA Reporting. We appreciate the Department's consideration in this matter.

Please feel free to contact me if you have any questions or need any further information.

Sincerely,

David Henley, JD, CCEP, CHIE, FLMI
Vice President and Chief Compliance Officer

DH/sas

Attachments

cc:
Lawrence Kissner, Commissioner, Department for Medicaid Services
Lee A. Guice, Director of Policy and Operations, Department for Medicaid Services
Christina Heavrin, General Counsel, Cabinet for Health and Family Services
Elizabeth Justus, Director of Policy and Operations, Department for Medicaid Services
Wayne Dominick, Policy Analyst, Department for Medicaid Services
Mary Tansey, Assistant Counsel, Cabinet for Health and Family Services
Mark Carter, CEO, Passport Health Plan
Christie Spencer, VP, Operations, Passport Health Plan