

**SAN JUAN ISLAND EMERGENCY MEDICAL SERVICES
SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1**

Administrative Directive-Policy

Identity Theft Prevention Program

No. AD-39-09

Date Issued: April 15, 2009

Purpose

San Juan Island EMS is committed to providing all aspects of our service and conducting our business operations in compliance with all applicable laws and regulations. This policy sets forth our commitment to compliance with those standards established by the Federal Trade Commission under the Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transaction Act of 2003 ("the Red Flag Rules") at 16 C.F.R. §681.2, regarding the establishment of a written Identity Theft Prevention Program ("Program") that is designed to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or any existing covered account.

Scope

This Program contains policies and procedures designed to identify, detect and respond appropriately to "Red Flags" for identity theft. It also contains policies and procedures for the periodic identification of covered accounts and for the general administration of the Program. This Program addresses our general approach to compliance with the Red Flag Rules. As a "creditor" with "covered accounts" under the Red Flag Rules, San Juan Island EMS is required to:

- Periodically identify covered accounts;
- Establish a written Identity Theft Prevention Program; and
- Administer the Identity Theft Prevention Program.

Definitions

- (a) "Account" means a continuing relationship established by a person with the San Juan Island EMS to obtain services for personal, family, household or business purposes and includes an extension of credit, such as the purchase or services involving a deferred payment.
- (b) "Covered account" means:
 - (i) An account that the San Juan Island EMS offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions; and
 - (ii) Any other account that the San Juan Island EMS offers or maintains for which there is a reasonably foreseeable risk to individuals or to the safety and soundness of San Juan Island EMS from identity theft, including financial, operational, compliance, reputation, or litigation risks.
- (c) "Identity theft" means a fraud committed or attempted using the identifying information of another person without authority.
- (d) "Identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any:

SAN JUAN ISLAND EMERGENCY MEDICAL SERVICES

SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1

Administrative Directive-Policy

- (i) Name, social security number, date of birth, official state or government issued driver's license or identification number, alien registration number, government passport number or employer or taxpayer identification number;
 - (ii) Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
 - (iii) Unique electronic identification number, address, or routing code; or
 - (iv) Telecommunication identifying information or access device (as those terms are defined in 18 U.S.C. §1029(e)).
 - (v) Medicare number.
 - (vi) Health care claim number.
- (e) "Program" means this written Identity Theft Prevention Program developed and implemented by San Juan Island EMS.
- (f) "Red Flag" means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
- (g) "Service provider" means a person who provides a service directly to the San Juan Island EMS and includes third party billing companies and other organizations that perform service in connection with San Juan Island EMS's covered accounts.

Procedure

1. Identify Covered Accounts

- (a) San Juan Island EMS will annually determine whether it offers or maintains covered accounts (see definition of "covered account" in this Program) and shall document that determination.
- (b) As part of this annual identification of covered accounts, San Juan Island EMS shall conduct an annual risk assessment of its accounts to determine whether it offers or maintains accounts that carry a reasonably foreseeable risk to patients or to the safety and soundness of San Juan Island EMS from identity theft, including financial, operational, compliance, reputation, or litigation risks. In determining whether San Juan Island EMS offers or maintains such accounts, San Juan Island EMS will conduct an annual risk assessment that takes into consideration:
 - (i) The methods it uses to open its accounts;
 - (ii) The methods it uses to access its accounts; and
 - (iii) Its previous experiences with identity theft.
- (c) The annual identification of covered accounts should ideally be conducted by an evaluation or audit team acting under the direction and control of the board or other individual in charge of Program administration.

SAN JUAN ISLAND EMERGENCY MEDICAL SERVICES SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1

Administrative Directive-Policy

2. Identify Red Flags

- (a) Once San Juan Island EMS has identified its covered accounts, it shall identify Red Flags (see definition in this Program) for those accounts. This shall be conducted on an annual basis in conjunction with San Juan Island EMS's identification of covered accounts. San Juan Island EMS will also identify red flags as they arise and incorporate them into this Program.
- (b) San Juan Island EMS shall consider the following factors in identifying relevant Red Flags for covered accounts, as appropriate:
 - (i) The types of covered accounts it offers or maintains;
 - (ii) The methods it provides to open its covered accounts;
 - (iii) The methods it provides to access its covered accounts; and
 - (iv) Any incidents of identity theft that San Juan Island EMS has experienced.
- (c) San Juan Island EMS shall also consider the examples of Red Flags listed in Supplement A to Appendix A to 16 C.F.R. Part 681. The Program shall include relevant Red Flags from the following categories, as appropriate:
 - (i) Alerts, notifications, or other warnings received from consumer report agencies or service providers, such as fraud detection services;
 - (ii) The presentation of suspicious documents;
 - (iii) The presentation of suspicious personal identifying information, such as a suspicious address change;
 - (iv) The unusual use of, or other suspicious address change;
 - (v) Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.
- (d) San Juan Island EMS shall also incorporate Red Flags from sources such as:
 - (i) New and changing risks that San Juan Island EMS has identified; and
 - (ii) Any applicable supervisory guidance from the FTC or other appropriate sources.
- (e) The following are Red Flags identified for San Juan Island EMS's covered accounts as of the most recent update to this Program:
 - (i) Patterns of activity on payment accounts that are inconsistent with prior history;
 - (ii) Increases in the volume of inquiries to an account;

**SAN JUAN ISLAND EMERGENCY MEDICAL SERVICES
SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1**

Administrative Directive-Policy

- (iii) The presentation of information that is inconsistent with other sources, e.g., the address, date of birth, or social security number listed for the patient does not match the address given or is inconsistent with other identifying information provided by the patient;
- (iv) Personal identifying information is identified by third-party sources as having been associated with known fraudulent activity;
- (v) Personal identifying information of a type commonly associated with fraudulent activity (e.g., fictitious address, use of mail drop, or phone number that is invalid or associated only with a pager or answering service);
- (vi) The social security number provided by the patient is a duplicate of that of other patients;
- (vii) The address or telephone numbers given are the same or similar to those of other patients, particularly recent ones;
- (viii) Attempts to access an account by persons who cannot provide authenticating information;
- (ix) Requests for additional authorized users on an account shortly following change of address;
- (x) Uses of an account that are inconsistent with established patterns of activity such as: nonpayment when there is no history of late or missed payments;
- (xi) Nonpayment of the first payment on the account;
- (xii) Inactivity on an account for a reasonably lengthy period of time;
- (xiii) Mail correspondence sent to the provided address is returned and mail is returned despite continued activity in the account;
- (xiv) Notification of San Juan Island EMS of an unauthorized transaction by the patient;
- (xv) Notification of San Juan Island EMS by the patient, a law enforcement authority, or other person, that it has opened a fraudulent account;
- (xvi) A complaint or question from a patient based on the patient's receipt of:
 - 1. A bill for another individual;
 - 2. A bill for a service that the patient denies receiving;
 - 3. A bill from a health care provider that the patient never utilized;
 - 4. A notice of insurance benefits (or Explanation of Benefits) for health services never received; or

**SAN JUAN ISLAND EMERGENCY MEDICAL SERVICES
SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1**

Administrative Directive-Policy

5. A patient or insurance company report that coverage for legitimate healthcare service is denied because insurance benefits have been depleted or a lifetime cap has been reached.
- (xvii) A complaint or question from a patient about information added to a credit report by a health care provider or insurer;¹
- (xviii) A dispute of a bill by a patient who claims to be the victim of any type of identity theft;
- (xix) A patient who has an insurance number but never produces an insurance card or other physical documentation of insurance;
- (xx) A notice or inquiry from an insurance fraud investigator for a private insurance company or a law enforcement agency;
- (xxi) A security breach;
- (xxii) Unauthorized access to a covered account by personnel;
- (xxiii) Unauthorized downloading of patient files;
- (xxiv) Loss or theft of unencrypted data;
- (xxv) Inappropriate access of a covered account;
- (xxvi) A computer virus or suspicious computer program;
- (xxvii) Multiple failed log-in attempts on a workstation;
- (xxviii) Theft of a password;
- (xxix) The presentation of an insurance card or form of identification that is clearly altered; and
- (xxx) Lost, stolen, or tampered facility equipment.

3. Detect Red Flags

- (a) San Juan Island EMS shall adopt reasonable policies and procedures to address the detection of Red Flags in connection with the opening of covered accounts and existing covered accounts, such as by:
 - (i) Obtaining identifying information about, and verifying the identity of, a person opening a covered account, and
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SAN JUAN ISLAND EMERGENCY MEDICAL SERVICES

SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1

Administrative Directive-Policy

- (ii) Authenticating patients, monitoring transactions, and verifying the validity of change of address requests.
- (b) The following procedures have been adopted by San Juan Island EMS to address the detection of Red Flags as of the most recent update to this Program:
- (i) Suspicious Documents at the Time of Transport: San Juan Island EMS personnel shall be on the alert for patients who present suspicious documents such as an insurance card or form of identification that appears to have been altered or does not match other information about the patient. Whenever possible, the crew shall attempt to verify the identity of the patient with someone who knows the patient and/or someone who has rendered care to the patient. Personnel shall not delay the provision of care when verifying this information and should obtain this information after the transport when it could delay the provision of care.
 - (ii) ID Verification Before Discussing Patient Account Information or Change of Address: Before discussing any information related to a covered account with any individual, or making a change to address information in a covered account; San Juan Island EMS personnel shall sufficiently ascertain the identity of the individual.
 1. If a patient or appropriate representative makes a telephone inquiry or request regarding a patient account, San Juan Island EMS personnel shall require the patient or appropriate representative of the patient to verify the date of birth, social security number (or at least the last 4 digits), and address of the patient to whom the account pertains.
 2. If the patient or appropriate representative of the patient presents in person to the business office of San Juan Island EMS, s/he shall be required to provide a valid government issued photo ID in addition to the date of birth, social security number (or last 4 digits), and address of the patient to whom the account pertains.
 3. If the patient or appropriate representative of the patient is unable to provide the necessary information to verify the identity of the patient, San Juan Island EMS staff shall make a notation of the inquiry or address change request in the patient account file and alert an appropriate supervisor without providing access or honoring the address change request.
 - (iii) Under the HIPAA Privacy and Security Rules, San Juan Island EMS is required to implement policies and procedures regarding the protection of protected health information and to implement administrative, physical and technical safeguards to protect electronic protected health information. The following policies and procedures from San Juan Island EMS's HIPAA compliance program serve the dual purpose of detecting identity theft in connection with the opening of and existing covered accounts at San Juan Island EMS and they are hereby incorporated in this Program by reference:
 - (1) General Security of Electronic and Other Patient and Business Information (Policy 1)

SAN JUAN ISLAND EMERGENCY MEDICAL SERVICES

SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1

Administrative Directive-Policy

- (2) Patient Access, Amendment and Restriction On the Use of PHI (Policy 4)
- (3) Levels of Access, "Minimum Necessary Standard" and Limiting Disclosure and Use of PHI and e-PHI (Policy 10)
- (4) Procedure for Requesting Amendment of PHI (Policy 12)
- (5) Access to the Information System and e-PHI (Policy 16)
- (6) Physical Security of PHI and e-PHI (Policy 19)
- (7) Electronic Information System Activity Review and Auditing (Policy 20)
- (8) Facility and Computer Access Point Controls (Policy 21)
- (9) Encryption and Decryption (Policy 23)
- (10) Use of Computer and Information Systems Equipment (Policy 25)
- (11) Use of Electronic Mail and Facsimile Transmissions (Policy 26)
- (12) Internet Access and Use (Policy 27)
- (13) Computer Hardware/Peripherals/Software Inventory (Form 31)]

4. Respond to Red Flags

- (a) San Juan Island EMS will respond to Red Flags of which it becomes aware in a manner commensurate with the degree of risk posed by the Red Flag. In determining an appropriate response, San Juan Island EMS will consider aggravating factors that may heighten the risk of identity theft. For example, notice to San Juan Island EMS that a patient has provided information to someone fraudulently claiming to represent San Juan Island EMS may suggest that identity theft is more likely.
- (b) San Juan Island EMS shall assess whether the Red Flag detected poses a reasonably foreseeable risk of identity theft and if it does, respond appropriately. If San Juan Island EMS determines that the Red Flag does not pose a reasonably foreseeable risk of identity theft, it shall have a reasonable basis choosing not to respond to the Red Flag.
- (c) If any personnel at San Juan Island EMS believe identity theft has occurred or may be occurring, s/he shall immediately notify a supervisor. The supervisor will contact the designated Red Flag Rule compliance officer who will determine the appropriate response.
- (d) Appropriate responses may include the following:
 - (i) Monitoring a covered account for evidence of identity theft;
 - (ii) Contacting the patient;
 - (iii) Changing any passwords, security codes, or other security devices that permit access to a covered account;
 - (iv) Reopening a covered account with a new account number;
 - (v) Not opening a new covered account;
 - (vi) Closing an existing covered account;
 - (vii) Not attempting to collect on a covered account or not selling a covered account to a debt collector;

**SAN JUAN ISLAND EMERGENCY MEDICAL SERVICES
SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1**

Administrative Directive-Policy

- (viii) Notifying law enforcement; or
- (ix) Determining that no response is warranted under the particular circumstances.
- (e) Patient Notification: If there is a confirmed incident of identity theft or attempted identity theft, San Juan Island EMS will notify the patient after consultation with law enforcement about the timing and the content of such notification (to ensure notification does not impede a law enforcement investigation) via certified mail. Victims of identity theft will be encouraged to cooperate with law enforcement in identifying and prosecuting the suspected identity thief, and will be encouraged to complete the FTC Identity Theft Affidavit.
- (f) Investigation of Suspected Identity Theft: If an individual claims to be a victim of identity theft, San Juan Island EMS will investigate the claim. The following guidelines apply:
 - (i) The individual will be instructed to file a police report for identity theft.
 - (ii) The individual will be instructed to complete the ID Theft Affidavit developed by the FTC, including supporting documentation; or an ID theft affidavit recognized under state law.
 - (iii) The individual will be requested to cooperate with comparing his or her personal information with information in San Juan Island EMS's records.
 - (iv) If following investigation, it appears that the individual has been a victim of identity theft, San Juan Island EMS will take the following actions:
 1. Cease collection on open accounts that resulted from identity theft. If the accounts had been referred to collection agencies or attorneys, the collection agencies/attorneys will be instructed to cease collection activity.
 2. Cooperate with any law enforcement investigation relating to the identity theft.
 3. If an insurance company, government program or other payor has made payment on the account, the provider will notify the payor and seek instructions to refund the amount paid.
 4. If an adverse report had been made to a consumer reporting agency, the provider will notify the agency that the account was not the responsibility of the individual.
 - (v) If following investigation, it does not appear that the individual has been a victim of identity theft, San Juan Island EMS or the collection agency will give written notice to the individual that he or she is responsible for payment of the bill. The notice will state the basis for determining that the person claiming to be a victim of identity theft was in fact the patient.
- (g) Amendment of Records: Patient medical records and payment records must be corrected when identity theft has occurred. This is necessary to ensure that inaccurate health information is not inadvertently relied upon in treating a patient, and that a patient or a third-party payer is not billed for services the patient did not receive. Patient records will be corrected in consultation with the patient and the patient's treating health care

SAN JUAN ISLAND EMERGENCY MEDICAL SERVICES

SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1

Administrative Directive-Policy

provider(s), and in a manner consistent with the San Juan Island EMS's HIPAA policy on amendments to medical records.

- (h) Disclosure/Unauthorized Access to Unencrypted Data: If there is a disclosure of, or an unauthorized access to, unencrypted computerized data containing a person's first name or first initial and last name and (1) a social security number, (2) driver's license number, or (3) financial account number (including a credit or debit card number), state law governing notification of patients will be followed.
- (i) The Presentation of Suspicious Documents at the Time of Transport:
When a patient presents a suspicious document such as an insurance card or form of identification that is clearly altered or does not match other information about the patient, ambulance personnel shall:
 1. Note the nature of the incident and circumstances surrounding the incident in an incident report or other appropriate document so that the claim is "flagged" for review.
 2. If possible, attempt to obtain identifying information about the patient from other sources such as individuals who know or have treated the patient.
 3. Notify the individual in charge of Red Flag Rules compliance as soon as possible after the transport about the incident and the circumstances surrounding the incident.
 4. Before opening a covered account under the name given, the Red Flag Rules compliance officer, or other designated individual, shall make attempts to verify the identity of the patient through any means possible. If it appears the patient has attempted to commit identity theft, the procedures for notification and investigation of the incident (above) shall be followed.

5. Update the Program

- (a) San Juan Island EMS shall update this Program (including identifying Red Flags determined to be relevant) annually.
- (b) The update shall reflect changes in risks of identity theft to patients or to the safety and soundness of San Juan Island EMS's information. The review and update will be based on factors such as:
 - (i) The experiences of San Juan Island EMS with identity theft;
 - (ii) Changes in methods of identity theft;
 - (iii) Changes in methods to detect, prevent, and mitigate identity theft;
 - (iv) Changes in the types of accounts that San Juan Island EMS offers or maintains; and
 - (v) Changes in the business arrangements of San Juan Island EMS, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.

SAN JUAN ISLAND EMERGENCY MEDICAL SERVICES

SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1

Administrative Directive-Policy

6. Administer the Program

- (a) Program Oversight: The San Juan County Public Hospital District #1 shall designate an individual who is in charge of Red Flag Rules compliance. This individual shall be involved in the oversight, development, and implementation and administration of the Program. The individual shall be responsible for:
- (i) Implementation of this Program;
 - (ii) Reporting to the San Juan County Public Hospital District #1, or an appropriate designated committee of the board at least annually on compliance by San Juan Island EMS with this Program. The report shall address material matters related to the Program and evaluate issues such as:
 - 1. The effectiveness of the policies and procedures of San Juan Island EMS in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - 2. Service provider arrangements;
 - 3. Incidents involving identity theft and management's response; and
 - 4. Recommendations for material changes to the Program.
- (b) After reviewing official annual reports, the San Juan County Public Hospital District #1 or appropriate designated committee shall approve changes to this Identity Theft Prevention Program, as necessary.

7. Train Employees

- (a) San Juan Island EMS will conduct a general training session for all personnel to provide them with a general overview of this Program. All new personnel shall undergo such training during their orientation process. Documentation of training, including copies of all rosters and sign in sheets showing the training dates and the names of attendees, shall be maintained for at least four years.
- (b) All staff that are responsible for the administration of the Program and staff who regularly deal with covered accounts should be trained on an annual basis.

8. Oversee Service Provider Arrangements

If San Juan Island EMS engages a third party to perform an activity in connection with one or more covered accounts (e.g., billing companies, collection agencies), San Juan Island EMS will:

- (a) Review the third party's policies for preventing, detecting, and mitigating identity theft and determine if those policies are acceptable to San Juan Island EMS; or
- (b) Require the third party to comply with the applicable terms of this Program through contract or agreement.