

Fred Buhr, MSSW

From: Genter, Francis [Genter@co.dane.wi.us]
Sent: Friday, July 02, 2010 2:35 PM
To: metasteward@metasteward.net
Cc: MacKenzie, Marcia; Green, Lynn; Beil, Mickey
Subject: FW: Open Records Request

Dear Mr. Buhr:

Dane County does not have a direct relationship with Harmony. Because the business relationship with Harmony is managed by the Wisconsin Department of Health Services and the Greater Wisconsin Agency on Aging Resources, Inc., Dane County does not have any of the records labelled 1, 2, or 3 that you request in your June 25 email.

Sincerely,

Fran Genter, Administrator
Dane County Dept. of Human Services
Adult Community Services Division
608 242-6481
608 242-6531 (fax)
genter@co.dane.wi.us

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-----Original Message-----

From: Fred Buhr, MSSW [mailto:metasteward@metasteward.net]
Sent: Friday, June 25, 2010 4:21 PM
To: Genter, Francis
Cc: MacKenzie, Marcia; Green, Lynn; Beil, Mickey
Subject: RE: Open Records Request

Dear Mr. Genter:

This is an open records request (at a cost up to \$10) related to the Social Assistance Management System (SAMS):

1. Copy of current software and services contract with Harmony Inc. for SAMS
2. Copy of current HIPAA business associate addendum with Harmony Inc.
3. Copy of any other agreements between Dane County and Harmony Inc. relative to HIPAA compliance issues of mutual interest to Dane County and Harmony

Under the Health Information Technology for Economic and Clinical Health Act (HITECH), business associates (BAs) are required to report security breaches to covered entities. While in the past it was sufficient for Dane County to have single set of HIPAA policies for all its programs and databases located within its firewalls, that is no longer the case. Passing protected health information (PHI) over the Internet to servers located outside Dane County's firewall presents a much more complex situation.

Harmony's proprietary network "AgingNetwork.com" hosts thousands of databases and millions of records belonging thousands of covered entities (CEs). Even though Harmony provides assurances on its web-site that agencies can, "Achieve HIPAA-compliant security for all databases in your network", I would appreciate receiving documents specifically relating to the business relationship and sharing of responsibilities between Dane County and Harmony Inc.

Thank you for your attention to my request.

Sincerely,

Fred Buhr

Fred Buhr, MSSW
Metasteward LLC

fredbuhr@metasteward.net

-----Original Message-----

From: Genter, Francis [<mailto:Genter@co.dane.wi.us>]
Sent: Tuesday, May 18, 2010 1:36 PM
To: fredbuhr@metasteward.net
Subject: FW: Open Records Request of March 26, 2010

Dear Mr. Buhr,

I have received your email of May 12, 2010. The Adult Community Services Division's HIPAA's policies apply to all of the division's programs. We do not have separate policies for individual programs or data bases like SAMS.

Sincerely,

Fran Genter, Administrator
Dane County Dept. of Human Services

Adult Community Services Division
608 242-6481
608 242-6531 (fax)
genter@co.dane.wi.us

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-----Original Message-----

From: Fred Buhr, MSSW [mailto:fredbuhr@metasteward.net]
Sent: Wednesday, May 12, 2010 7:58 AM
To: Genter, Francis
Cc: Green, Lynn; Beil, Mickey; MacKenzie, Marcia;
ingrid.thompson@mcfarland.wi.us
Subject: RE: Open Records Request of March 26, 2010

Dear Ms. Green and Mr. Genter:

Yesterday I received a copy of the policies and procedures governing confidential information for the Adult Community Services Division in the Dane County Department of Human Services. While I appreciate receiving this information, it is not the information that I requested. The documents provided do not relate to the Social Assistance Management System (SAMS).

I am again requesting the following documents (up to a cost of \$10) related to the Social Assistance Management System (SAMS):

1. HIPAA Privacy Policies
2. HIPAA Security Policies

If HIPAA privacy and security policies do not exist for SAMS, please provide an explanation as to why that is case.

Sincerely,

Fred Buhr

Fred Buhr, MSSW
Metasteward LLC

fredbuhr@metasteward.net

-----Original Message-----

From: Genter, Francis [mailto:Genter@co.dane.wi.us]
Sent: Friday, April 23, 2010 4:05 PM
To: Fred Buhr, MSSW
Cc: Green, Lynn
Subject: RE: Open Records Request of March 26, 2010

Dear Mr. Buhr,

This is to confirm that we have received your request of April 15, 2010 and are working on it. For some reason, neither Lynn Green nor I received your March 26th request. We are considering April 15 as your original request date. We will send you the material you requested as soon as possible. Thank you for your patience.

Sincerely,
Francis Genter

-----Original Message-----

From: Fred Buhr, MSSW [mailto:metasteward@metasteward.net]
Sent: Thursday, April 15, 2010 4:41 PM
To: Green, Lynn; Genter, Francis
Cc: sbrenton@wha.org; seth.foldy@wi.gov; dcassuto@wkowtv.com
Subject: Open Records Request of March 26, 2010

Dear Ms. Green and Mr. Genter:

I am again requesting the following documents (up to a cost of \$10) related to the Social Assistance Management System (SAMS):

1. HIPAA Privacy Policies
2. HIPAA Security Policies

I have attached copies of the forms that individuals are given when they wish to participate in the congregate or home delivered meal programs. The privacy statements on the forms do not comply with the HIPAA privacy requirements that went into effect on February 17, 2010. As I mentioned in my email (below) violations due to willful neglect can result in penalties of \$50,000 to \$1,500,000 per calendar year for identical violations.

I have filed a HIPAA security and privacy complaint with the U.S. Office of Civil Rights (OCR) which, if that agency would choose to investigate, could result in penalties for Dane County. I am the data entry operator for the McFarland Senior Outreach Program and know that we have entered protected health information (PHI) in the electronic health records of over 500 of our residents.

If OCR would consider privacy and security violations for each individual as

a separate instance, the minimum resulting penalties for this calendar year could be:

500 X \$50,000 = \$25,000,000

Best Regards,

Fred Buhr

Fred Buhr, MSSW
Metasteward LLC

fredbuhr@metasteward.net

-----Original Message-----

From: Fred Buhr, MSSW [mailto:metasteward@metasteward.net]

Sent: Friday, March 26, 2010 4:19 PM

To: 'Green@co.dane.wi.us'; 'Genter@co.dane.wi.us'

Cc: 'ingrid.thompson@mcfarland.wi.us'

Subject: Open Records Request

Dear Ms. Green and Mr. Genter:

This is an open records request for the following documents (up to a cost of \$10) related to the Social Assistance Management System (SAMS):

1. HIPAA Privacy Policies
2. HIPAA Security Policies

Over the last two and one half years I have written letters, sent emails and voiced my concerns relating to violations of federal and state laws by the Dane County Area Agency on Aging (AAA) and the Bureau of Aging and Disability Resources (BADR). Although the topics of electronic health records (EHR) and health information exchanges (HIE) are complex, the consequences of HIPAA violations can be clearly identified:

1. First and foremost is the unwarranted invasion of the privacy of Wisconsin's elderly and disabled and their caretakers and physicians. (No dollar amount is sufficient to compensate individuals for their loss of privacy.)
2. Violations of privacy and security rules can result in identity theft affecting hundreds of thousands of Wisconsin's citizens and millions of persons nationwide.
3. Violations of privacy and security rules can result in billions of

dollars in payments of fraudulent claims.

4. Violations of the HIPAA privacy and security rules will result in a tiered set of penalties:

a. Did not know it was a violation: \$100 - \$50,000 to \$1,500,000 per calendar year

b. Violation due to reasonable cause: \$1,000 - \$50,000 to \$1,500,000 per calendar year

c. Violation due to willful neglect but corrected: \$10,000 - \$50,000 to \$1,500,000 per calendar year

d. Violation due to willful neglect but not corrected: \$50,000 to \$1,500,000 per calendar year

Thank you for your attention to my request.

Fred Buhr, MSSW
Metasteward LLC

fredbuhr@metasteward.net