

RE: Notification of Unauthorized Disclosure of Protected Health Information

We regret to inform you that we have discovered a breach of protected health information (PHI) that impacted certain individuals eligible for Medicaid. You are receiving this letter because information for you, your child, or someone for whom you are a personal representative for, was included in the breach. On May 10, 2017, the North Dakota Department of Human Services (NDDHS) discovered the breach as it received a report of discarded NDDHS Medicaid claim resolution worksheet documents that contained PHI in a dumpster in Bismarck, North Dakota, which is a violation of NDDHS' policies and procedures. NDDHS recovered all the documents from the citizen reporter and dumpster on May 10, 2017, is conducting an internal investigation, and has taken appropriate disciplinary action against the responsible workforce member. The workforce member discarded the documents on May 8, 2017.

The documents involved in this incident contain the Medicaid recipient's first and last name; date of birth; Medicaid provider number; first two characters of Medicaid provider name; recipient's Medicaid ID number; two-digit code of recipient's county of residence; recipient's internal NDDHS identification numbers; dates of service; amounts billed and allowed; amounts covered by other insurance; diagnosis codes; HCPCS/CPT¹ procedure codes, modifiers, and quantity; and tooth and surface detail for dental work. Not all types of information were disclosed for all individuals receiving this notice. The documents did **not** contain social security numbers, addresses or any financial information. NDDHS has found no evidence that any PHI has been improperly used or further disclosed.

¹ HCPCS (Healthcare Common Procedure Coding System) and CPT (Common Procedural Technology) codes are related systems of medical coding required for providers and insurers to send information electronically. HCPCS codes are used and maintained by the Centers for Medicare & Medicaid Services and are used to bill Medicare, Medicaid, and many other third-party payers. CPT codes are numbers assigned to every task and service a medical practitioner may provide including medical, surgical, and diagnostic services. CPT codes are used by insurers to determine the amount of reimbursement that a practitioner will receive by an insurer for that service. Since everyone uses the same codes to mean the same thing, they ensure uniformity.

Again, NDDHS has no evidence that any PHI has been improperly used or further disclosed. NDDHS believes the risk for re-disclosure of this information to other unauthorized individuals to be low. NDDHS is offering one year of free credit/identity theft monitoring to those affected by the incident. Individuals affected must notify NDDHS and request the credit/identity theft monitoring by September 5, 2017.

In addition, you can also review your own credit reports to look for any unusual activity. To get your free report, go to <https://www.annualcreditreport.com/>. To track your credit throughout the year, you can request a free credit report from one of the three credit bureaus every four months. You can also request a free initial fraud alert to be placed on your credit files by contacting any one of the three major credit bureaus:

- Equifax: 888-766-0008 or https://www.alerts.equifax.com/AutoFraud_Online
- Experian: 888-3973742 or <https://www.experian.com/fraud>
- Trans Union: 800-680-7289 or <https://fraud.transunion.com>

If you believe you are a victim of identity theft, the North Dakota Attorney General's Office offers preventing and reporting identity theft guidance at <https://attorneygeneral.nd.gov/consumer-resources/identity-theft>.

NDDHS has set up a toll free number to address any questions you may have about this Notice or the incident, to request free credit/identity theft monitoring, or to obtain a hard copy of the guidance offered by the Attorney General's Office. The toll free contact number is 1-844-345-8048 (ND Relay TTY 1-800-366-6888) and it will be monitored until September 5, 2017.

We sincerely apologize and regret that this incident occurred. Please be assured that NDDHS takes the matter of privacy and security very seriously and trains workforce members on the safe handling and disposal of confidential information. Please know that we will be working with our workforce members and reviewing policy and procedures to prevent any future occurrences.

Sincerely,



Jenny Witham
Information Technology Services Division Director