



Date: 12/27/2019

This audit was requested by Compliance Officer, Patti Marini, in conjunction with the Wayne County Compliance Committee in accordance with the County Compliance Program. The completion of this audit is strongly recommended by the Office for Civil Rights as part of the risk assessment process.

Objectives:

To ensure the security and protection of all Wayne County protected health information (PHI) that is shared with vendors. Also, to document the existence of a compliance plan that vendors have implemented to safeguard their PHI, and PHI that is shared with their organization.

Scope:

Vendors that have obtained or shared Wayne County PHI and meet the state and federal funding requirements to have a compliance plan; as defined in 18 NYCRR Part 521, during 2018 or 2019.

Report:

18 NYCRR Part 521 requires an organization to have a compliance plan in place if they meet certain guidelines. If they are subject to Article 28 or Article 36 of Public Health Law, subject to Article 16 and Article 31 of the NYS Mental Hygiene Law, claim at least \$500,000 of Medicaid services in any 12-month period, or if the organization submits claims of at least \$500,000 in any 12-month period on behalf of another person or organization then the organization is required to have a Compliance Plan in place.

The Compliance Officer requested all department heads to submit a list of vendors that meet the state and federal funding criteria, listed above to the Compliance Office. The lists of vendors from the individual departments were combined to create a master list. This master list was given to the County Auditor's Office in October of 2019.

The list contained a total of 42 vendors that met the initial criteria to be included in the business associate audit. Of the 42, our office selected seven vendors at random to reach out to for more information about their organization. We gathered information about the vendor's organization with the use of a questionnaire that was sent to the vendors in early November. The questionnaire determined whether Wayne County PHI is obtained or shared with the organization, and whether they meet the federal guidelines defined in 18 NYCRR Part 521 for implementing a Compliance plan. Of the seven vendors, one vendor was found to neither obtain

nor share protected health information, and therefore were excluded from participating in the audit. Of the remaining six vendors, one vendor was excluded from the audit because they did not meet the requirements to have a compliance plan. The five remaining vendors that Wayne County departments shared PHI with and met the qualifications to have a compliance plan in place were chosen to continue in the audit.

Those five vendors were contacted and a written request for their compliance plan and policies was made. Four of the five vendors supplied us with their current compliance plan. After a second and third contact attempt was made in mid-December, the fifth vendor also supplied us with their compliance plan. These plans were then scanned and saved for documentation purposes.

Conclusion:

The completion of this audit satisfies the recommendation from the Office for Civil Rights and fulfills the annual requirement outlined in the Wayne County Compliance Plan. Five out of five audited business associates provided their compliance plans to our office to document their policies regarding the protection of Wayne County's PHI.

Management's Response:

A draft report was sent to Interim Compliance Officer, Ed Hunt, on December 27th, 2019 inviting him to respond to this audit report to be presented to the Finance Committee, but a response was not received.