

# Hamilton County LAW LIBRARY NEWS

Professional legal information, services, and education

May 2017

## HIPAA enforcement actions highlight importance of maintaining and auditing security practice

By Allen R. Killworth, of Bricker and Eckler LLP. Reprinted with permission.

Recent enforcement actions by the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), highlight the importance of maintaining security practices and auditing access activities.

### Failure to address risks – Metro Community Provider Network

On April 12, 2017, OCR announced that Metro Community Provider Network, a federally qualified health center, filed a breach report in 2012, indicating that a hacker accessed employees' email accounts and obtained 3,200 individuals' electronic personal health information (ePHI) through a phishing incident.

OCR's investigation concluded that prior to the incident, Metro Community Provider Network had failed to conduct a risk

analysis to assess the risks and vulnerabilities in its ePHI environment and, consequently, had not implemented any corresponding risk management plans to address the risks and vulnerabilities identified in a risk analysis.

A civil monetary penalty of \$400,000 was imposed on Metro Community Provider Network. Additionally, it entered into a Resolution Agreement and Corrective Action Plan requiring Metro Community Provider Network to (1) conduct a risk analysis and formulate a risk analysis plan, subject to the approval of HHS; (2) develop and implement a risk management plan, subject to the approval of HHS; (3) review and revise its HIPAA policies, subject to the approval of HHS; and (4) review and revise its HIPAA training materials, subject to the approval of HHS.

Information from OCR, including the Resolution Agreement and

*(Continued on page 4.)*

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### Hamilton County Law Library

Hamilton County  
Courthouse  
1000 Main Street  
Room 601  
Cincinnati, OH 45202  
T:513.946.5300  
F:513.946.5264

Open Monday-Friday 8 - 4

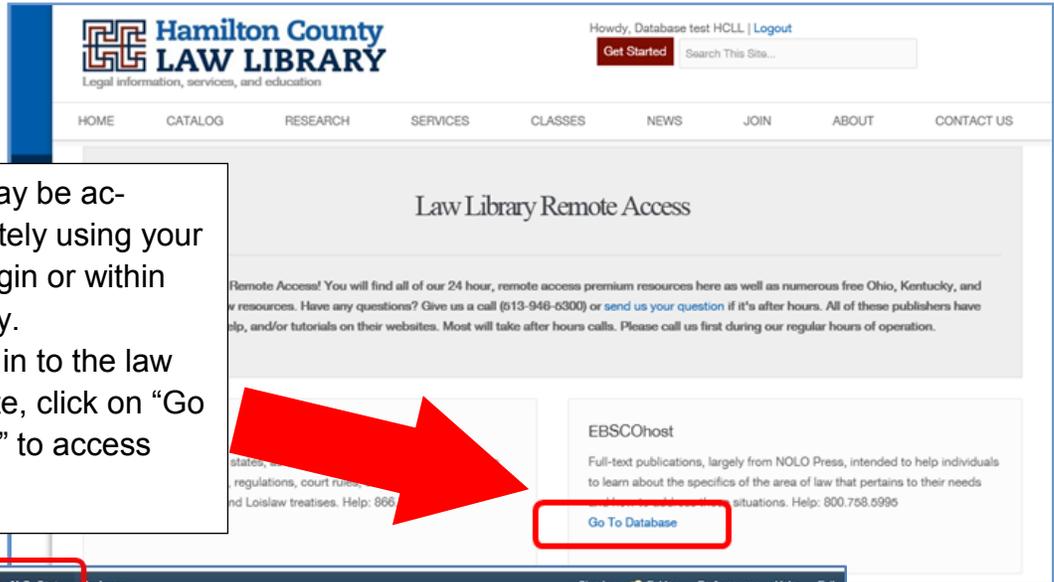
<http://lawlibrary.hamilton-co.org>

# Tech Tip: EBSCO – Legal Forms by U.S. State

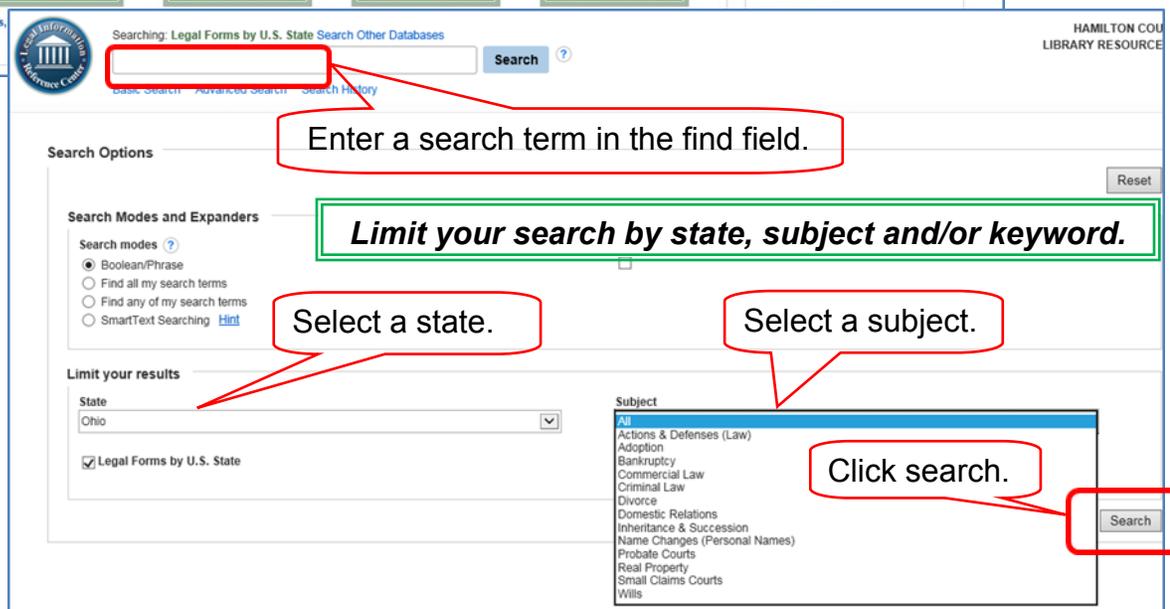
## By Systems Librarian, Julie Koehne

EBSCO: Legal Information Reference Center allows you to search for legal forms by state from the Basic Search screen.

The forms may be accessed remotely using your subscriber login or within the law library. After logging in to the law library website, click on “Go To Database” to access EBSCOhost.



To open the search screen for the Legal Forms, click on “Legal Forms by U.S. State” in the menu bar, or click on “Search By State” link in the “Legal Forms by U.S. State” box.



Enter a search term in the find field.

**Limit your search by state, subject and/or keyword.**

Select a state.

Select a subject.

Click search.

Search Results: 1 - 6 of 6

ORDER NOTICE TO WITHHOLD INCOME FOR CHILD &amp; SPOUSAL SUPPORT.

State Court Forms (Ohio); 2016

 PDF Full Text (29KB)

Temporary Custody &amp; Visitation Agreement.

Temporary Custody &amp; Visitation Agreement; 7/1/2010

 PDF Full Text (15KB)

Children's Carpool Agreement.

Children's Carpool Agreement; 11/ 1/2007

 PDF Full Text (18KB)

Child Care Agreement.

Child Care Agreement; 11/ 1/2007

 PDF Full Text (14KB)

Agreement to Share Property.

Agreement to Share Property; 11/ 1/2007

 PDF Full Text (16KB)

Agreement to Keep Property Separate.

Agreement to Keep Property Separate; 11/ 1/2007

 PDF Full Text (21KB)

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Forms are in PDF; click on the individual "PDF Full Text" to view.

**Note:** Some forms are available in other languages.

For more help go to,

[http://support.ebsco.com/help/index.php?help\\_id=4150](http://support.ebsco.com/help/index.php?help_id=4150)

## CNO Review and National Library Week.

The Hamilton County Law Library was featured in CNO Review last month, along with a few other Ohio law libraries, in honor of National Library Week. CNO (Court News Ohio) Review is the monthly publication of the Ohio Supreme Court. The article addressed the type of services Ohio's law libraries provide and featured images from several county law libraries, including this one! Check out the article from the April archives, available [here](#), beginning on page 6. Also, in our own celebration of National Library Week, we featured each of our librarians on our blog and shared the profiles via social media. If you missed any of them, please check them out, at <https://lawlibrary.hamiltoncountyohio.gov/news/>.

## Upcoming CLE

Free to subscribers; \$50 for non-subscribers  
Registration is required.

To register, call 513.946.5300, email

[reference@cms.hamilton-co.org](mailto:reference@cms.hamilton-co.org), or

register via the website

<http://lawlibrary.hamiltoncountyohio.gov/classes/calendar/>

### [Pulled Over- Will It Be a DUI?](#)

Presenter: Chuck Strain

Wednesday, May 17, 2017

Noon-1pm

This CLE will offer strategies on what to say and do during a DUI arrest, and cover the basics of field sobriety tests.

Approved for 1.0 hour of general CLE credit  
In Ohio and Kentucky.

### [How the Statute of Limitations for Trusts Funded by Pour Over Wills has Changed and What Can be Done](#)

Presenter: John Cobey

Friday, June 9

Noon-1pm

A peril of Probate Practice: Do pour over wills incorporate the trust by reference? Is that trust's assets subject to inclusion in the probated estate? If you answer "no" to both, come to the seminar and hear speaker John Cobey review the ramifications of Gerhke v. Senkiw and discuss what to do about your old and future wills and trusts. Approved for 1.0 hour of general CLE credit in Ohio and Kentucky.

(Continued from page 1)

Corrective Action Plan, is [available here](#).

*Take away:* Covered entities and business associates must conduct risk analyses regularly and act to mitigate the risks to PHI identified. While it may be impossible to prevent all security intrusions, such as hacking, the failure to perform a risk analysis and make reasonable attempts to prevent such security intrusions can lead to HIPAA violations.

### **Lack of audit controls – Memorial Healthcare System**

In February 2017, OCR announced a civil money penalty of \$5.5 million against Memorial Healthcare System after ePHI was improperly accessed by current workforce members due to the failure to terminate credentials of former workforce members.

Memorial Healthcare System self-reported the breach of the ePHI of 115,143 individuals due to improper access by current workforce members and by a former workforce member. Memorial Healthcare System discovered that between April 2011 and April 2012, the log-in credentials of a former workforce member, which had not been terminated, were used to access ePHI on a daily basis. Memorial Healthcare System subsequently reported additional breaches resulting from the improper access by twelve users at an affiliated physician office.

OCR reported that some of these instances led to federal charges relating to selling PHI and filing fraudulent tax returns.

The investigation by OCR found that Memo-

rial Healthcare System failed to implement procedures to regularly review records of system activity, such as audit logs, access reports and security tracking reports, as required by 45 CFR 164.308(a)(1)(ii)(D). Further, OCR stated that its investigation indicated that for over a year, Memorial Healthcare System failed to implement policies and procedures to establish, modify and document users' rights of access as required by 45 CFR 164.308(a)(4)(ii)(C).

In addition to the \$5.5 million civil monetary penalty, Memorial Healthcare System entered into a Resolution Agreement and Corrective Action Plan required it to (1) conduct a risk analysis and formulate a risk management plan; (2) review and revise its HIPAA policies, subject to the approval of HHS; (3) develop an internal monitoring plan; and (4) engage a third party, subject to approval of HHS, to conduct external assessment of the system's compliance with the Corrective Action Plan.

Information from OCR, including the press release and Resolution Agreement and Corrective Action Plan, is [available here](#).

*Take away:* Covered entities and business associates must have procedures in place to terminate the access to systems containing PHI when a workforce member departs for any reason. This should occur immediately upon termination of the workforce member.

Additionally, covered entities and business associates should conduct audit activities to monitor their systems for improper access or other security incidents. Monitoring system activity can identify and prevent improper access that may otherwise lead to ongoing,

large-scale breaches if not caught.

For more information, contact [Allen R. Killworth](#).

## Law Day 2017

Law Day is held on May 1st every year to celebrate the role of law in our society and to cultivate a deeper understanding of the legal profession. The 2017 Law Day theme is The 14<sup>th</sup> Amendment: Transforming American Democracy. This focuses on an exploration of the amendment, which addresses issues of U.S. citizenship and secures civil liberties through the equal protection and due process clauses. The Amendment ensures the protections of the Bill of Rights, providing protection for individuals from infringement on fundamental liberties by state and local governments. It has served and continues to serve as the basis for landmark civil rights legislation and court decisions. The Law Library supports Law Day and invites you to learn more about it at the [ABA website](#).



## Need Research Help or Materials E-mailed?

Don't forget that as part of your subscription to the Law Library you are more than welcome to contact us for research guidance or document delivery. This can be anything from emailing you an annotated statute or sample form, to searching for cases in a particular area of law, to pulling documents from PACER for you. You're certainly welcome to request help while you're here, but keep in mind that we're also available to provide these same services to you during our business hours whether you are in your office, your home, at court, or anywhere else you might be on a given day. Just call 513-946-5300 and ask for Reference or shoot us an email at

[reference@cms.hamilton-co.org](mailto:reference@cms.hamilton-co.org).

## Videoconferencing Available

The Law Library's videoconferencing service saves local government officials, courts, and subscribers significant time and money by hosting proceedings and meetings here. Hearings, depositions, and client meetings are all possible via videoconference. If the other location (a correctional facility, office, courthouse, etc.) has conferencing capability, we can work with them to test the connection and set up our room for court proceedings or a one-on-one or group meeting. Start by calling us for more information or to reserve a time. Please provide us with a technical contact at the remote site. Read more about this service at <https://lawlibrary.hamiltoncountyohio.gov/services/video-conferencing/> or give us a call at 513.946.5300.

## Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive legal information databases from the Law Library, including Westlaw, IntelliConnect, Lexis Digital Library e-books, HeinOnline, and Loislaw treatises

Wireless network throughout the Law Library

Polycom videoconferencing

Five meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

CLE seminars throughout the year, on legal research and substantive topics

Subscribers' lounge, magazines, daily newspapers, and coffee

Bi-weekly news alerts by practice area

Discounted rates for photocopying

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises, HeinOnline (for under 50 attorney firms), EBSCOhost, and IntelliConnect Law, Business, Tax, and Accounting

An add-on plan for Lexis access is available for subscribers in solo practice

## You and the Legal System: Immigration: The Path to Citizenship

Attorney Thomas Geygan Jr. will discuss Immigration on Friday, May 19 at noon in the Law Library. The session will cover obtaining a green card and the necessary steps to becoming a U.S. Citizen

To register, call 513.946.5300 or register via our website at

<https://lawlibrary.hamiltoncountyohio.gov/event-registration/?ee=114>

Please note that this is not a CLE event; it is intended for the general public.

However, attorneys are welcome to attend and may want to pass along the program announcement to clients, staff and community organizations. If you would like more information, please contact [Vanessa Seeger](#).

*You and the Legal System* is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service. Save the date for the next event in our You and the Legal System series. Scott Hoberg will discuss Estate Planning on June 16.



## Estate Planning Resources

Law Library subscribers have remote access to a variety of resources for estate planning .If you have questions, or have a suggestion for a title to add, contact the reference staff at [reference@cms.hamilton-co.org](mailto:reference@cms.hamilton-co.org) or 513.946.5300

5@55 : the 5 essential legal documents you need by age 55  
KF750.Z9 G75 2015

The Advisor's guide to long-term care  
KF3826.N8 A73 2013

Anderson's Ohio probate practice and procedure  
KFO144 .M333

Anderson's Ohio elder law practice manual and Richard T. Taps.  
KFO140 .L66

Basics of estate administration  
KFO147 .B37 2016

Drafting wills and trust agreements  
KF748.1 .J66

Estate planning basics  
KF750.Z9 C585 2013

Guardianships  
KFO106 .G82 2015

Make your own living trust  
KF734 .C67 2013

Managing disputes over wills and inheri-

tance : leading lawyers on navigating clients through probate contests.  
KF753.A75 M36 2014

Merrick-Rippner Ohio probate law.  
KFO144 .M41

Ohio elder law handbook  
KFO91.A3 A293

The simple will in Ohio  
KFO144 .M35

### Online Resources-Remote Access\*

#### **Fastcase Loislaw Treatises**

Elder Law Answer Book

Elder Law Forms Manual: Essential Documents for Representing the Elderly Client

Estate and Gift Tax Handbook

Multistate Guide to Estate Planning

Practical Guide to Estate Planning

Price on Contemporary Estate Planning

Representing the Elderly Client: Law and Practice

#### **EBSCO**

8 Ways to Avoid Probate

Busy Family's Guide to Estate Planning

Complete Guide to Creating Your Own Living Trust

Complete Guide to Organizing Your Records for Estate Planning

Complete Guide to Planning Your Estate

Estate Planning Basics

Estate Planning for Blended Families

Executor's Guide

Quick & Legal Will Book

\*Remote access is available to subscribers who are solos or firm attorneys whose entire firm has a subscription to the Law Library.

**Upcoming Events:**

May 17: Pulled Over- Will It Be a DUI?

May 19: You and the Legal System: Immigration Law: Citizenship

June 9: How the Statute of Limitations for Trusts Funded by Pour Over Wills has Changed and What Can be Done

June 16: You and the Legal System: Estate Planning

**Law Library Holidays**

The Law Library will be closed on Monday, May 29 in observance of Memorial Day.



# May 2017 Law Library Newsletter

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ADDRESS CORRECTION REQUESTED

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