

**OKALOOSA COUNTY
EMERGENCY MEDICAL SERVICES
STANDARD OPERATING PROCEDURE**

Title: Identity Theft Prevention, Detection and Mitigation Program
Policy: 127.00
Purpose: The purpose of this policy/procedure is to assure that Okaloosa County EMS maintains compliance with the requirements regarding the prevention, detection, and mitigation of Identity Theft as set forth in the federal regulations known as “Red Flag Rules.”¹

“Identity Theft” means a fraud committed or attempted using the identifying information of another person without authority. This includes “Medical Identity Theft,” i.e., Identity Theft committed for the purpose of obtaining medical services, such as the use of another person’s insurance card or number. Although Medical Identity Theft may occur without the knowledge of the individual whose medical identity is stolen, in some cases the use of an individual’s medical identity may occur with the knowledge and complicity of that individual.

Policy:

This policy sets forth the steps Okaloosa County EMS will take in implementing a program for detecting, preventing and mitigating Identity Theft (the “Program”) in connection with Covered Accounts, as required by the Red Flag Rules. “Covered Account” means:

1. An account that Okaloosa County EMS offers or maintains for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions; and
2. Any other account that Okaloosa County EMS offers or maintains for which there is a reasonably foreseeable risk to individuals or to the safety and soundness of Okaloosa County EMS from identity theft, including financial, operational, compliance, reputation or litigation risks.

Section II of this Policy describes the risk assessment Okaloosa County EMS shall conduct at the inception of the Program and annual thereafter. Section III sets forth the “Red Flags” (i.e., warning signs) that may alert Okaloosa County EMS personnel to the possible existence of Identity Theft in the course of Okaloosa County EMS’s day to day operations. Section IV sets forth the procedures Okaloosa County EMS will follow in attempting to detect those Red Flags. Section V sets forth the procedures Okaloosa County EMS will follow in responding appropriately to Red Flags that are detected, in order to prevent and

Mitigate Identity Theft. Section VI sets forth the procedures Okaloosa County EMS will take in responding to a claim by an individual that he has been a victim of Identity Theft. Section VII describes how Okaloosa County EMS will administer the Program. Section VIII describes the annual updating of the Program.

Questions regarding this policy or the Program shall be directed to the Program Compliance Officers designated pursuant to Section VII.

Risk Assessment

Upon initial implementation of the Program, and annually thereafter as a part of the annual update described in Section VIII of this policy, Okaloosa County EMS shall determine whether it maintains Covered Accounts. As part of that determination, Okaloosa County EMS shall conduct a risk assessment to determine whether it offers or maintains Covered Accounts that carry a reasonably foreseeable risk of

**OKALOOSA COUNTY
EMERGENCY MEDICAL SERVICES
STANDARD OPERATING PROCEDURE**

identity theft, including financial, operational, compliance, reputation or litigation risks. The risk assessment shall take into consideration:

1. The methods Okaloosa County EMS provides to open its accounts;
2. The methods it provides to access its accounts; and
3. Its previous experiences with identity theft.

Identification of Red Flags

1. A “Red Flag” is a pattern, practice or specific activity that indicates the possible existence of Identity Theft. In other words, a Red Flag is a warning sign regarding the possibility of Identity Theft.
2. In identifying Red Flags relevant to its operations, Okaloosa County EMS has:
 - a. Reviewed the examples of Red Flags found in the Red Flag Rules (see the Supplement to the Guidelines);
 - b. Considered the factors specified in Section II.A above; and

Incorporated Red Flags from sources such as changes in identity theft risks of which Okaloosa County EMS becomes aware and applicable regulatory guidance.

Based on the process specified in Section III.B above, Okaloosa County EMS has identified the following situations as Red Flags that should alert Okaloosa County EMS personnel to the possibility of Identity Theft:

1. A patient submits a driver’s license, insurance card or other identifying information that appears to be altered or forged;
2. The photograph on a driver’s license or other government-issued photo I.D. submitted by a patient does not resemble the patient;
3. Information on one form of identification submitted by a patient is inconsistent with information on another form of identification, or with information already in Okaloosa County EMS’s records or information obtained from other sources such as a consumer credit data base;
4. A patient has an insurance member number but no insurance card;
5. The Social Security Number (“SSN”) or other identifying information furnished by a patient is the same as identifying information in Okaloosa County EMS’s records furnished by another patient;
6. The SSN furnished by a patient has not been issued, is listed on the Social Security Administration’s Death Master File, or is otherwise invalid. The following numbers are always invalid:
 - a. The first 3 digits are in the 800, 900 or 000 range, or in the 700 range above 772, or are 666;
 - b. The fourth and fifth digits are 00; or
 - c. The last four digits are 0000;
7. The address given by a patient does not exist or is a post office box, or is the same address given by an unusually large number of other patients;

**OKALOOSA COUNTY
EMERGENCY MEDICAL SERVICES
STANDARD OPERATING PROCEDURE**

8. The phone number given by the patient is invalid or is associated with a pager or an answering service, or is the same telephone number submitted by an unusually large number of other patients;
9. The patient refuses to provide identifying information or documents;
10. Personal identifying information given by a patient is not consistent with personal identifying information in Okaloosa County EMS's records, or with information provided by another source such as an insurance company or consumer credit database;
11. A patient's signature does not match the signature on file in Okaloosa County EMS's records;
12. A patient contacts Okaloosa County EMS or Advanced Data Processing, Inc., and indicates that he or she has received an invoice, explanation of benefits or other document reflecting a transport that the patient claims was never received;
13. Mail correspondence is returned to Okaloosa County EMS or Advanced Data Processing, Inc., despite continued activity associated with that mailing address;
14. Okaloosa County EMS or Advanced Data Processing, Inc., receives a warning, alert or notification from a credit reporting agency, law enforcement or other credible reporting agency, law enforcement or other credible source regarding a patient or a patient's insurance information;
15. Okaloosa County EMS or a Service Provider has suffered a security breach, loss of unprotected data or unauthorized access to patient information;
16. An insurer denies coverage due to a lifetime benefit limit being reached or due to an excessive volume of services;
17. A discrepancy exists between medical or demographic information obtained by Okaloosa County EMS from the patient and the information found in health facility records; and
18. Attempts to access an account by persons who cannot provide authenticating information.

Okaloosa County EMS shall update the foregoing list of Red Flags as part of its annual update of the Program.

All Okaloosa County EMS personnel have an affirmative obligation to be vigilant for any evidence of a Red Flag and to notify their immediate supervisor, or the Program Compliance Officer, to report the Red Flag.

Procedures for Identifying Red Flags

1. Okaloosa County EMS personnel will follow the following procedures in order to detect the Red Flags indicated above, which indicate the possibility of Identity Theft.
2. The process of confirming a patient's identity should never delay the delivery of urgently or emergently needed medical care. When a patient's condition permits collection of demographic information and documentation, medical transport crews shall request, in addition to an insurance card, a driver's license or other form of government issued photographic personal identification. If the patient lacks such photographic identification, medical transport personnel shall:
 - a. Request other form of identification, such as credit card; and/or
 - b. Ask a family member or other person at the scene who knows the patient to verify the patient's identity.
3. Billing personnel, in the course of creating and processing claims, and verifying patient information, shall be alert for the existence of any of the Red Flags listed in Section III above.

**OKALOOSA COUNTY
EMERGENCY MEDICAL SERVICES
STANDARD OPERATING PROCEDURE**

4. Before providing information regarding an account, or making any change to an address or other information associated with an account, the requester shall be required to provide the social security number, full name, date of birth and address of the patient. If the requester makes the request in person, a driver's license or other government issued photographic identification shall be requested.
5. In the event medical transport personnel or billing personnel encounter a Red Flag, the existence of the Red Flag shall be brought to the prompt attention of the individual's supervisor or the Program Compliance Officer so that it can be investigated and addressed, as appropriate, in accordance with the procedures set forth in Section V below.

Responding to Red Flags

When a Red Flag is detected, Okaloosa County EMS personnel shall investigate the situation, as necessary, to determine whether there is a material risk that Identity Theft has occurred or whether there is a benign explanation for the Red Flag. The investigation shall be documented in accordance with Okaloosa County EMS's incident reporting policy. If it appears that Identity Theft has not occurred, Okaloosa County EMS may determine that no further action is necessary. OCEMS SOG 73

Okaloosa County EMS's response shall commensurate with the degree of risk posed by the Red Flag. In determining an appropriate response, Okaloosa County EMS shall consider aggravating factors that may heighten the risk of Identity Theft, such as a data security incident that results in unauthorized access to a patient's account records, or notice that a patient has provided information related to a Okaloosa County EMS account to someone fraudulently claiming to represent Okaloosa County EMS or to a fraudulent website.

If it appears that Identity Theft has occurred, the following steps should be considered and taken, as appropriate:

1. Except in cases where there appears to be obvious complicity by the individual whose identity was used, promptly notify the victim of Identity Theft, by certified mail, using the Identity Theft Patient Notice Letter developed by Okaloosa County EMS. Notification may also be provided by telephone, to be followed by a mailed letter;
2. Place an Identity Theft Alert on all patient care reports ("PCRs") and financial accounts that may have inaccurate information as a result of the Identity Theft;
3. Discontinue billing on the account and/or close the account;
4. Reopen the account with appropriate modifications, including a new account number;
5. If a claim has been submitted to an insurance carrier or government program ("Payer") in the name of the patient whose identity has been stolen, notify the Payer, withdraw the claim and refund any charges previously collected from the Payer and/or the patient;
6. If the account has been referred to collection agencies or attorneys, instruct the collection agency or attorneys to cease collection activity;
7. Notify law enforcement and cooperate in any investigation by law enforcement;
8. Request that law enforcement notify any health facility to which the patient using the false identity has been transported regarding the Identity Theft;

**OKALOOSA COUNTY
EMERGENCY MEDICAL SERVICES
STANDARD OPERATING PROCEDURE**

9. If an adverse report has been made to a consumer credit reporting agency regarding a patient whose identity has been stolen, notify the agency that the account was not the responsibility of the individual;
10. Correct the medical record of any patient of Okaloosa County EMS whose identity was stolen, with the assistance of the patient as needed;
11. If the circumstances indicate that there is no action that would prevent or mitigate the Identity Theft, no action need be taken.

Investigation of Report by a Patient of Identity Theft

If an individual claims to have been a victim of Identity Theft (e.g., the individual claims to have received a bill for a transport he did not receive), Okaloosa County EMS (or its billing service) shall investigate the claim. Authentication of the claim shall require a copy of the Police Report and either:

1. The Identity Theft affidavit developed by the FTC, including supporting documentation; or
2. An identification theft affidavit recognized under state law

Okaloosa County EMS personnel shall review the foregoing documentation and any other information by the individual and shall make a determination as to whether the report of Identity Theft is credible.

The individual who filed the report shall be informed in writing of Okaloosa County EMS's conclusion as to whether Okaloosa county EMS finds the report credible.

If, following investigation, it appears that the individual has been a victim of Identity Theft, Okaloosa County EMS will take the appropriate action as indicated in Section V of this policy.

If, following investigation, it appears the report of Identity Theft was not credible, the individual shall be notified and Okaloosa County EMS may continue billing on the account, upon approval of the Program Compliance Officer. The account shall not be billed without such approval.

Administration of the Program

The Program, and all material changes thereto, shall be approved by the EMS Division Chief.

The EMS Division Chief is the Program Compliance Officer and shall be responsible for the oversight, development and implementation of the Program.

Okaloosa County EMS shall train staff, as needed, to effectively implement the Program. The following categories of personnel shall be trained in the implementation of the Program:

1. All medical transport personnel;
2. All billing office personnel; and
3. All management personnel.

Initial training shall occur no later than August 1, 2009, for all current personnel. Newly hired personnel shall be trained in the implementation of the Program as part of their standard compliance and HIPAA training. "Refresher" training shall be included in the annual compliance and HIPAA training given to Okaloosa County EMS, and may be given to specific employees from time to time on an "as needed" basis. Okaloosa County EMS shall exercise appropriate and effective oversight of all arrangements

**OKALOOSA COUNTY
EMERGENCY MEDICAL SERVICES
STANDARD OPERATING PROCEDURE**

involving a service provider whose duties include opening, monitoring or processing patient accounts, or performing other activities which place them in a position to prevent, detect or mitigate Identity Theft (“Service Providers”). Each Service Provider shall be required to execute an amendment or addendum to its service agreement or business associate agreement which requires it to:

1. Implement a written Identity Theft Program that meets the requirements of the “Red Flag Rule”;
2. Provide a copy of such Program to Okaloosa County EMS no later than August 1, 2009;
3. Provide copies of all material changes to such Program on an annual basis; and
4. Either report all Red Flags which it encounter to Okaloosa County EMS, or take appropriate steps to prevent or mitigate Identity Theft itself.

The Program Compliance Officer shall report to the Oversight Body, on an annual basis, on compliance with the Program. The report shall address material matters related to the Program and evaluate issues such as:

1. The effectiveness of the Program in addressing the risk of Identity Theft;
2. Service Provider arrangements;
3. Significant incidents involving Identity Theft and Okaloosa County EMS’s response;
4. Recommendations for material changes to the Program.

Annual Update of the Program

The program will be reviewed, revised and updated on an annual basis. In performing such update, Okaloosa County EMS shall consider;

1. Okaloosa County EMS’s experiences with Identity Theft over the period since the last revision;
2. Changes in methods of Identity Theft, or in methods to detect, prevent and mitigate Identity Theft;
3. Changes in Okaloosa County EMS’s technology and operations, including any new electronic health record or financial software programs implemented by Okaloosa County EMS; and
4. Changes in business arrangements of Okaloosa County EMS, including but not limited to changes in its relationships with Service Providers.

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