

## California Adds Medical Identity Theft to the State Identity Theft Law

**Q:** I have heard that I need to inform my patients when an electronic transmission of their medical information is inadvertently sent to the wrong person or organization.

**A:** The World Privacy Forum issued a report in 2006 on medical identity theft. They noted that approximately a quarter of a million people per year are victims of medical identity theft. Most physicians know that if a paper medical record is lost or stolen that the patient must be notified of the loss. Recently, California expanded the data breach notification law to include two new categories of information: 1) Electronic medical information; and 2) Electronic health insurance information.

The new law requires written notification to California residents whenever there is a breach of the above types of unencrypted electronic data which also contains the following personal information:

- The individual's first name or initial and last name, **and**
- Any one of the following data elements:
  - Social Security Number;
  - Driver's license or California ID number; or
  - Account number, credit, or debit card number in combination with the security code, access code or password.

With a growing number of physicians and their office staff using Electronic Medical Record systems, it is essential to confirm that software you are using includes an encryption function. Physicians should also educate staff regarding safe transmission of electronic medical information and what to do if they know the information has been sent in error to another.

### CAPsules

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