

## NOTICE OF BREACH

(Dunkirk, NY) – The purpose of this communication is to give public notice regarding a breach involving The Chautauqua Center’s (TCC) business associate, WebPT, which provides electronic medical records (EMR) services for TCC’s Chautauqua Physical and Occupational Therapy.

- **Description of breach:**

- A **letter dated January 13, 2023 was received** by Chautauqua Physical & Occupational Therapy, a part of The Chautauqua Center, LLC (TCC), on or about January 20, 2023.
- This letter informed us of a recent breach involving TCC’s business associate WebPT, a provider of TCC’s Chautauqua Physical & Occupational Therapy electronic medical records (EMR).
- This breach involved 747 of TCC’s Chautauqua Physical and Occupational Therapy patients whose personal information was inadvertently made accessible to other healthcare facilities.
- This letter informed TCC and Chautauqua Physical & Occupational Therapy that on December 22, 2022, during an upgrade of the WebPT’s EMR, patient data from a referral report was inadvertently exposed to a limited number of clinics using the WebPT system.
  - The data was **received by other healthcare facilities** known as “Covered Entities,” who must also comply with all HIPAA laws and protect sensitive data or patient information.

- **WebPT conducted a full internal investigation** and deemed this information exposure not to be a breach. WebPT assessed the likelihood of misuse of data to be minimal based upon the limited nature of the data, the fact that there was no hack or release to the public, and access was limited to certain Covered Entities using WebPT.

- TCC and Chautauqua Physical & Occupational Therapy deem this to be a breach and are notifying all affected individuals.

- **Description of types of information or patient data exposed:**

- Case name and creation date;
- Initial evaluation clinic notes;
- Date last seen and referral date;
- Patient name;
- Primary insurance provider;
- Primary treatment clinic;

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- Referring physician and/or physician group;
    - Primary diagnosis and related cause information;
  - Secondary insurance information;
  - And total visit count for the case.
- **NO sensitive consumer information**, including social security numbers, date of birth, insurance numbers, addresses, driver's license numbers, or other similarly sensitive information, **was exposed** and/or accessible during the breach.
- **Description of what covered entity is doing:**
  - **WebPT response:**
    - Disabled access to the report within 19 hours
    - Performed an analysis of the cause of the breach
    - Changing their internal review process for when releases are made
    - Re-training staff
    - Requested statements from the clinics that may have accessed the data to confirm no use or disclosure of any information.
  - **TCC/Chautauqua Physical and Occupational Therapy Response to further protect patients and prevent future breaches:**
    - Deeming incident as a HIPAA Breach and subject to notification, publication, and reporting requirements.
    - TCC's Chautauqua Physical and Occupational Therapy has responded by ending its use of WebPT and switched EMR providers to Athenahealth's EMR program or service called *athenaOne*.
    - This new EMR will be used in the Jamestown, Dunkirk, and Mayville locations, effective as of 2/14/2023, for all patients and associated visits.
- **Steps individuals should take:**
  - **TCC believes that all affected individuals should protect themselves** by remaining vigilant for potential identity theft and/or other misuse of personal information.
  - To protect yourself from the possibility of identity theft, TCC recommends placing a fraud alert on your credit files which is valid for ninety (90) days.
  - If you see anything you do not understand or recognize in your credit activity or on any credit reports, call the credit reporting agency at the telephone number on the report.



- If you find any evidence of fraud or believe your personal information and/or identity have been used improperly, please call your local police department and file a report of identity theft and keep a copy of the police report for your records.
- For more information on consumer protections, please go to the New York Department of State Division of Consumer Protection website at <https://dos.ny.gov/consumer-protection> or call (800) 697-1220
- **Contact information:** If you have any questions, please **contact** the TCC Privacy Officer at [privacyofficer@thechautauquacenter.org](mailto:privacyofficer@thechautauquacenter.org) or by calling 716-294-3990.

