

February 11, 2015

CLIENT BULLETIN

Anthem to Notify HHS of Breach and Provide Identity Theft and Other Protections

During a telephonic "Town Hall" call-in conference on Wednesday February 11, 2015, Anthem announced that it would undertake the *HIPAA Breach Notification* requirements under the *HIPAA Privacy Rules*. In fact, according to Anthem, HHS does NOT want individual health care plans or plan sponsors to notify HHS of a "breach" under the *Privacy Rule*. Anthem indicated it would also undertake the "media" breach notifications.

Anthem has stated it would be handling breach notifications required under state laws to the extent they are aware of such laws.

Anthem further indicated it would be providing credit monitoring and other identity theft protections free of charge for two years for everyone in the database regardless of whether or not the person was identified by Anthem as one with breached information. Anyone who has been covered by Anthem for the past ten years (since 2004) would be eligible for such protections. However, for an individual to activate "credit monitoring", an individual will need to apply for it themselves under the law. The identity theft protection is available without requiring sign up. The identify protections offered will be retroactive to the date of the breach, whenever that is determined to have occurred.

The information on the credit/identity protections should be available at www.anthemfacts.com on February 12, 2015.

The Town Hall call-in also provided other technical details of the breach. Anthem will be providing details regarding who was affected as soon as possible.

We will be "attending" future "Town Hall" call-in meetings and share any other information as it becomes available. Customers of Anthem should receive information from their Anthem representatives. Anthem will be undertaking a mass mailing with more information. It seems wisest NOT to respond to emails purporting to be from Anthem asking the recipient to "click" on a link for information. Interested parties should look to www.anthemfacts.com for information.

For more on the breach, see [Client Bulletin 2015-04](#).

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