



## COMPLIANCE SERVICES **ALERT** LOCKTON BENEFIT GROUP



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**Feb. 11, 2015**

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### **Anthem "Town Hall Meeting" About the Data Breach**

Anthem continues to work diligently to address the implications of the breach of its members' data last month (the breach is addressed in our Feb. 4 [Alert](#) and several subsequent [Alerts](#)).

On Feb. 10 Anthem hosted a "town hall meeting" webcast for brokers and others, where the insurer provided the latest update from its end:

- Anthem has prepared an [FAQ](#) document related to the breach.
- Anthem said data affected by the breach may date as far back as 2004, and apparently includes information related to members covered under Anthem dental coverage as well as medical coverage. Anthem continues to work to determine the precise scope of the breach.
- Anthem said on the webcast it intends to handle all HIPAA privacy/security notifications to state and federal authorities, and to individuals insured under an Anthem insurance contract. Anthem appeared to imply that it also intends to notify affected individuals who are or were covered under a self-insured employer group health plan administered by Anthem. We are working to confirm that, as Anthem's FAQ simply provides that Anthem "will provide...notice to those consumers affected *where required by law*" [emphasis supplied].
- For affected individuals insured under an Anthem-member health plan, such as Empire BlueCross and BlueShield, BlueCross and BlueShield of Georgia, etc. (here is a [link](#) to other Anthem plans), Anthem said the Anthem-member plan will notify the individuals. Presumably, these entities will also notify potentially affected individuals covered under a self-funded employer group plan administered by the entity.

- Anthem said the breach also affected BlueCard members (BlueCard is a national program that enables members of one BlueCross and BlueShield plan to obtain healthcare services while traveling or living in another BlueCross and BlueShield plan's service area, such as Anthem's service area). Anthem seemed to indicate that the other BlueCross and BlueShield plan will notify affected individuals who sought service in Anthem's service area under the BlueCard program, but we are working to confirm that.
- Anthem said health plan sponsors using Anthem or an Anthem-member program as an insurer or third-party administrator will receive a list of affected members.
- Anthem has created a hotline dedicated to the breach: 1-877-263-7995.
- Anthem continues to affirm that individuals affected by the breach will be entitled to receive identity theft protection for one year, at Anthem's expense. Anthem has released a [document](#) (you may need to save before opening) pertaining to its identity theft protection offer. Much of the material in the document could be inserted into an employee communications piece, or the document could simply be distributed outright to employees affected or potentially affected by the data breach.
- And in the "My bad!" category...Anthem said it has determined that the phishing email it cautioned its members about was actually sent by a firm that sends innocuous phishing emails to individuals, to demonstrate to employers and others how vulnerable they may be to phishing expeditions. Unfortunately for that firm, the phishing email soon went viral. Anthem said individuals who clicked the link in the phishing email were simply directed to a site warning about the danger of phishing emails.

***Lockton Comment:*** Of course, there may be additional phishing attempts in the future, so Anthem's admonitions, in its communications regarding the phishing attempt, remain prudent advice.

- Anthem said that the breach compromised no insurance broker information or healthcare provider data.

We will continue to keep you apprised of additional information as we learn more.

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