



TLP White

We start first with exciting news regarding a new NH-ISAC partnership and then visit the Security Exchange Commission's latest guidance on data breach disclosures. We also take a look at recent healthcare breaches, including an update on the CareFirst case, and conclude with the latest Amazon team up. Welcome back to *Hacking Healthcare*:

Hot Links –

- 1. NH-ISAC Partners With Anomali:** NH-ISAC is excited to announce that we have partnered with Anomali, a leading provider of threat management and collaboration solutions.¹ Anomali will provide NH-ISAC the tools and infrastructure necessary to enable NH-ISAC members to share threat information securely and efficiently with one another.² NH-ISAC board member, Jim Routh, recently said, "Sharing threat intelligence among member firms is one of the most essential services of any ISAC... [and] [t]he NH-ISAC Board is pleased with the opportunity to work with the ThreatStream platform to enhance threat intelligence sharing for the healthcare sector."³
- 2. Regulatory. Living in a Material World.** Last week U.S. Securities and Exchange Commission ("SEC") Commissioner Robert J. Jackson Jr. made "the rising cyber threat" the focus of his keynote address during the annual Tulane Corporate Law Institute conference.⁴ His remarks were some of his first as SEC Commissioner, and were timed about a month after the SEC released new guidelines on disclosing material cybersecurity risks and incidents. The new SEC guidance provides that publicly traded companies may be obligated to make timely disclosure of material cybersecurity risks and incidents that could potentially impact stock prices.⁵ The materiality standard is highly fact-specific, and is intended to balance the nature and scope of a breach, the nature of the information compromised, and the resulting harm or costs.

¹ <https://www.anomali.com>

² <https://www.businesswire.com/news/home/20180315005772/en/NH-ISAC-Anomali-Join-Forces-Accelerate-Cyber-Threat>

⁴ <https://www.sec.gov/news/public-statement/statement-jackson-2018-02-21>

⁴ <https://www.sec.gov/news/public-statement/statement-jackson-2018-02-21>

⁵ <https://www.sec.gov/rules/interp/2018/33-10459.pdf>

- 3. Legal News. CareFirst Data Breach Ruling: Harmless for Healthcare?** Although the Supreme Court chose not to take up CareFirst's case in February, CareFirst will have yet another opportunity to argue its case to the DC District Court. In case you forgot, the case has been working its way through federal courts since 2015. At issue is whether victims of the 2014 and 2015 CareFirst data breaches suffered an injury for purposes of establishing legal "standing."⁶

Because the Supreme Court will not hear the case, the Circuit Court's decision to reverse and remand the case back to the District Court stands. Elizabeth Snell of HealthITSecurity does a nice job at explaining how the case, despite being denied by the Supreme Court, impacts health care.⁷

According to Ms. Snell, the Supreme Court's denial "is unlikely to have any significant impact on future data breach cases" because the Supreme Court's denial leaves the DC Circuit Court's decision in place. Therefore, she recommends that healthcare organizations continue to take cybersecurity seriously and invest in cybersecurity measures.

- 4. Data Breach. Another Breach, Another Problem: St. Peter's Breach:** St. Peter's Surgery and Endoscopy Center ("Center") suffered from the second-largest healthcare breach of 2018.⁸ The incident, despite being stopped the same day it was discovered, potentially resulted in unauthorized access to 134,512 patient records. The Center notified patients on February 28 and says it will implement "even more stringent information security standards and [increase] staff training" in the wake of the breach.
- 5. Latest in Tech. Cigna and Alexa Team Up:** Cigna partnered with Amazon to launch a new "Answers by Cigna" skill for Alexa.⁹ The new skill allows users to ask Alexa questions about confusing health care terms and concepts such as "Alexa, what is a premium?" or "Alexa, what is an HMO?"¹⁰

Congress –

Tuesday, March 20:

--Joint hearing to examine the government perspectives on security and modernization (House Committee on Homeland Security and House Subcommittee on Information Technology)¹¹

⁶ <https://healthitsecurity.com/news/what-the-carefirst-data-breach-decision-means-for-healthcare>

⁷ <https://healthitsecurity.com/news/carefirst-data-breach-case-moves-to-us-supreme-court>

⁸ <http://www.healthcareitnews.com/news/malware-attack-causes-breach-134512-patient-records>

⁹ <https://www.cnet.com/news/amazons-alexa-can-answer-your-health-care-questions/>

¹⁰ <https://www.amazon.com/Cigna-Answers-by/dp/B079SMKCZB>

¹¹ <http://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=108038>

March 20, 2018

--Hearing to examine the Department of Labor's Proposed Rule on association health plans (House Subcommittee on Health, Employment, Labor, and Pensions)¹²

--Hearing to examine law enforcement information sharing and misguided public policy (House Subcommittee on Crime, Terrorism, Homeland Security, and Investigations)¹³

Wednesday, March 21:

--Hearing on combating the opioid crisis through prevention and public solutions (House Subcommittee on Health)¹⁴

--Hearing to examine election security (Senate Committee on Intelligence)¹⁵

Thursday, March 22:

--No relevant hearings scheduled

Conferences and Webinars –

--Medical Device Workshop at Philips Healthcare – Andover, MA (3/20)

<<https://nhisac.org/events/nhisac-events/medical-device-workshop-at-philips-healthcare-andover-ma/>>

--Health IT Summit – Cleveland, OH (3/27) <<https://vendome.swoogo.com/2018-Cleveland-Health-IT-Summit>>

--Health IT Summit – San Francisco, CA (4/5) <<https://vendome.swoogo.com/2018-San-Francisco-HIT-Summit>>

--Security Workshops at Intermountain Health – Park City, UT (4/24)

<<https://nhisac.org/events/nhisac-events/security-workshop-at-intermountain-park-city-ut/>>

--Medical Device and Pharmaceutical Security Workshop – London

<<https://nhisac.org/events/nhisac-events/security-workshops-london/>>

--2018 NH-ISAC Spring Summit – Sawgrass, FL (5/14-17)

<<http://www.marriott.com/hotels/travel/jaxsw-sawgrass-marriott-golf-resort-and-spa/>>

--Health IT Summit – Philadelphia, PA (5/21) <<https://vendome.swoogo.com/2018-Philly-HITSummit>>

--Health IT Summit – Minneapolis, MN (6/13) <<https://vendome.swoogo.com/2018-Minneapolis-Health-IT-Summit>>

--Biotech / Pharmaceutical Security Workshop - Dublin, Ireland (6/21)

<<https://nhisac.org/events/nhisac-events/medical-device-and-pharmaceutical-security-workshop-dublin/>>

--Health IT Summit – Nashville, TN (6/28) <<https://vendome.swoogo.com/2018-Nasvhille-HITSummit>>

--Health IT Summit – Denver, CO (7/12) <<https://vendome.swoogo.com/2018-Denver-HITSummit>>

¹² <https://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=402562>

¹³ <https://judiciary.house.gov/hearing/preventable-violence-america-examination-law-enforcement-information-sharing-misguided-public-policy/>

¹⁴ <https://energycommerce.house.gov/hearings/combating-opioid-crisis-prevention-public-health-solutions/>

¹⁵ <https://www.intelligence.senate.gov/hearings/open-hearing-election-security>

March 20, 2018

--Health IT Summit – St. Petersburg, FL (7/24) <<https://vendome.swoogo.com/StPetersburg-HITSummit-2018>>

--Health IT Summit – Boston, MA (8/7) <<https://vendome.swoogo.com/2018-Boston-Health-IT-Summit>>

--Biotech/Pharma Security Workshop at Gilead Sciences, Foster City, CA (8/29)
<<https://nhisac.org/events/nhisac-events/biopharma-workshop-at-gilead-sciences-foster-city-ca/>>

--Health IT Summit – Seattle, WA (10/22) <<https://vendome.swoogo.com/2018-Seattle-HITSummit>>

--2018 NH-ISAC Fall Summit – San Antonio, TX (11/26-29)
<<https://www.destinationhotels.com/la-cantera-resort-and-spa>>

Sundries –

--**Pompeo-Tillerson switcheroo has cybersecurity ramifications**

<<https://www.politico.com/newsletters/morning-cybersecurity/2018/03/14/pompeo-tillerson-switcheroo-has-cybersecurity-ramifications-130705>>

--**U.S. imposes new sanctions on Russian entities over 2016 election meddling**

<<https://www.politico.com/story/2018/03/15/us-russia-sanctions-election-meddling-465475>>

--**You Do Care About Cybersecurity, But That Is Not The Problem**

<<https://lawfareblog.com/you-do-care-about-cybersecurity-not-problem>>

--**Why the CLOUD Act is Good for Privacy and Human Rights**

<<http://lawfareblog.com/why-cloud-act-good-privacy-and-human-rights>>

--**Russian hackers targeted US energy assets, officials say**

<<http://thehill.com/policy/cybersecurity/378627-homeland-security-fbi-say-russian-hackers-of-targeted-us-energy-assets>>

--**Former Equifax executive charged with insider trading**

<<http://thehill.com/policy/finance/378352-former-equifax-executive-charged-with-insider-trading-for-selling-stock-after>>

--**After short-selling surge, Israeli firm says it finds AMD chip flaw**

<<https://www.reuters.com/article/us-cyber-amd/after-short-selling-surge-israeli-firm-says-it-finds-amd-chip-flaw-idUSKCN1GP273>>

--**Russia warns Britain against cyber attack response to spy poisoning**

<<https://www.reuters.com/article/us-britain-russia-cyber/russia-warns-britain-against-cyber-attack-response-to-spy-poisoning-idUSKCN1GP2DM>>

--**Victims can sue Yahoo for massive breaches, federal judge says**

<<https://www.cyberscoop.com/yahoo-breach-lawsuit-motion-to-dismiss/>>

--**Spooked by election hacking, states are moving to paper ballots**

<<https://www.cyberscoop.com/paper-ballots-election-security-electronic-voting-machines/>>

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