

April 3, 2007

Lauren J. Noether, Esq.
New Hampshire Attorney General's Office
Consumer Protection Division
33 Capitol Street
Concord, NH 03301

Re: Disclosure required under RSA359-C:20

Dear Attorney Noether:

I serve as Corporate Compliance Officer to the Elliot Health System in Manchester, New Hampshire. I am writing in reference to New Hampshire Statute RSA 359-C:20, which became effective on January 1, 2007. This Statute requires disclosure to your office of any "security breach" as defined under this statutory provision. The "security breach" is defined as "unauthorized acquisition of computerized data that compromises the security or confidentiality of personal information maintained by a person doing business in this state". RSA 359-C:19(v). "Computerized data" means personal information stored in electronic format.

The Visiting Nurse Association (VNA) of Manchester and Southern New Hampshire is a not-for-profit organization and a part of the Elliot Health System. We have recently determined that a lap top computer used by the VNA was likely stolen from a locked office during the dates of February 26, 2007 through March 7, 2006 (when the office was unoccupied) at our VNA Home and Hospice Service location on South Commercial Street in Manchester, NH. A police report has been filed reporting the theft and we have undertaken our own investigation and efforts to locate the laptop. As of this date, the laptop has not been located. This computer contained personal information of two hospice patients (both of whom are since deceased) including their name, address, social security number, and health information pertaining to hospice care received by them during the fall of 2006. The laptop contains security protections that would protect against unauthorized access. Other than the fact that the laptop is missing, we have no information that any information on the laptop has been accessed, disseminated, or misused in any way.

My office became aware of this issue on or about March 16, 2007. Written notice of this situation was provided to the next-of-kin of the affected patients both verbally (on or about March 23, 2007) and in written form (on March 27, 2007).

It is not clear to me whether this event requires disclosure under RSA 359-C:20. To be safe and to ensure compliance with the statute, I am making the disclosure nonetheless. If you have any questions whatsoever regarding this matter, please do not hesitate to contact me.

Sincerely,



Katherine St. Jean, RN, CPC, CMAS
Director of Compliance/Corporate Compliance Officer
Elliot Health System
4 Elliot Way, Suite 303
Manchester, NH 03103

April 4, 2007

Lauren J. Noether, Esq.
New Hampshire Attorney General's Office
Consumer Protection Division
33 Capitol Street
Concord, NH 03301

Re: Disclosure required under RSA359-C:20

Dear Attorney Noether:

I serve as Corporate Compliance Officer to the Elliot Health System in Manchester, New Hampshire. I am writing in reference to New Hampshire Statute RSA 359-C:20, which became effective on January 1, 2007. This Statute requires disclosure to your office of any "security breach" as defined under this statutory provision. The "security breach" is defined as "unauthorized acquisition of computerized data that compromises the security or confidentiality of personal information maintained by a person doing business in this state". RSA 359-C:19(v). "Computerized data" means personal information stored in electronic format.

In January 2007, the Elliot Health System entered into an agreement with New Hampshire Orthopedic Surgery (the "Practice") a private physician practice group whereby the Practice would be provided remote access to Elliot System's electronic medical record. As part of the agreement, the Practice was required to respect the privacy rights of all patients whose information may be accessed by the Practice.

Recently, Elliot learned that two employees of the Practice (not employees of Elliot Health System) accessed medical records of an Elliot patient who also happened to be an employee of the Practice. We understand that the two employees that accessed this patient's health information improperly verbally disclosed portions of it to other employees of the Practice. When I became aware of this situation, I spoke with representatives of the Practice who informed me that the employment of the employees who engaged in this improper conduct had been terminated. I was informed by the Practice that they would take steps to ensure that all employees are educated of the importance of respecting patient privacy in this situation.

I communicated with the affected patient both verbally (on or about March 19th, 2007) and in writing (on March 22, 2007) to let her know all information that we are aware of in relation to this matter.

It is not clear to me whether this event requires disclosure under RSA 359-C:20. To be safe and to ensure compliance with the statute, I am making the disclosure nonetheless. If you have any questions whatsoever regarding this matter, please do not hesitate to contact me.

Sincerely,



Katherine St. Jean, RN, CPC, CMAS
Director of Compliance/Corporate Compliance Officer
Elliot Health System
4 Elliot Way, Suite 303
Manchester, NH 03103
603-663-2932