



THE DURRETT FIRM | HEALTHCARE LAW

PROCESSED

SEP 14 2022

CONSUMER PROTECTION

September 8, 2022

VIA MAIL

New Hampshire Department of Justice
Office of the Attorney General
33 Capitol Street
Concord, NH 03301

Re: Incident Notification

To Whom It May Concern:

We are submitting notice of a data breach on behalf of our client, THE PHYSICIANS' SPINE AND REHABILITATION SPECIALISTS OF GEORGIA, P.C. ("The Practice"), a healthcare provider located 790 CHURCH ST NW, STE 550, MARIETTA, GEORGIA 30060, which also maintains offices at four other locations in Georgia. The Practice operates exclusively in the state of Georgia.

We are providing this notice because our client's records indicate that **one** resident of New Hampshire may have been affected by a security incident that occurred on or about July 11 and potentially resulted in improper access of patient information.¹ The Practice has arranged for notice to be sent to each of these individuals providing information related to the event and offering free credit monitoring services for a period of time. Please find enclosed a sample copy of this notice, which is in substantially the same form as that provided to each of the above-referenced residents of our state. Such notices were sent by first class mail beginning on September 2, 2022. Additional details concerning the incident may be found on the first page of the enclosed sample notice.

We would also like to inform you that The Practice is subject to The Health Insurance Portability and Accountability Act of 1996. It is in full compliance with the breach notification requirements of this law with respect to the security incident described herein and has already provided notice of it to the U.S. Department of Health and Human Services Office for Civil Rights.

Sincerely,

Dana S. Durrett

¹ The submission of this notice does not constitute a waiver of any defenses that may be available to The Practice in relation to any legal action that may be asserted in connection with this security incident, including all defenses of a jurisdictional nature.



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NH DEPT OF JUSTICE
SEP 14 '22 PM2:13

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Return Mail Processing
PO Box 999
Suwanee, GA 30024

September 2, 2022

125 1 38648 *****AUTO**ALL FOR AADC 310

SAMPLE A. SAMPLE - L01

APT ABC



123 ANY ST

ANYTOWN, US 12345-6789



RE: Notice of Data Breach

Dear Sample A. Sample:

We are notifying you of an incident that may have involved your personal information.

What happened? On approximately July 11, 2022, we were alerted to a cybersecurity incident.

What are we doing in response? Outside information security and other experts were engaged to assist. They promptly investigated and aggressively responded to this incident to mitigate the situation. Passwords were changed and systems were restored promptly to avoid any material delays in clinical care. We are continuing to take steps to enhance our security protections. We have reported this case to law enforcement authorities.

What information was involved? The investigation team determined that, despite numerous security measures that were in place prior to the incident - an outside, unauthorized party accessed the information technology systems the week before discovery and claims to have taken certain information/records that could be posted. We are unsure exactly what if any personal information was actually taken, but we thought it best to notify you of this incident. If any of your medical or billing information was taken, it could have included information of the type collected as part of your treatment (such as information like name, contact information, date of birth, social security number, driver's license number, diagnosis, treatment, guarantor, insurance, etc.) – the exact elements of which vary by person/case. We do not store patient credit card numbers or bank account information so those should not be affected.

What can you do? We recommend you take precautions. In an abundance of caution, **we are offering you 12 months of free credit monitoring and \$1 million in identity theft insurance through Experian – solely to give you peace of mind.** *You must activate the free product by the activation date in order for it to be effective. The activation instructions are included with this notification.* We also have included some additional steps that you can take to protect yourself.

For more information about this incident, call toll free (833) 549-2144 Monday through Friday from 9 am – 11 pm Eastern, or Saturday and Sunday from 11 am – 8 pm Eastern (excluding major U.S. holidays). Be prepared to provide your engagement number B059672. We are fully committed to protecting your personal information and sincerely apologize for any concern this incident may have caused you.

Sincerely,

Paxton Morris
Director of Finance
The Physicians' Spine and Rehabilitation Specialists of Georgia, P.C.

STEPS YOU CAN TAKE

Below is information on steps you can take to protect yourself, if you feel necessary.

➤ **ACTIVATE Your FREE Experian IdentityWorksSM Product NOW in Three Easy Steps.** To help protect your identity, we are offering you a **complimentary membership** of Experian's IdentityWorks product for **12 months**. This product helps detect possible future misuse of your personal information and provides you with superior identity protection support focused on immediate identification and resolution of identity theft. IdentityWorks is completely free to you during the complimentary membership period and enrolling in this program will not hurt your credit score.

1. **ENSURE You Enroll By:** December 31, 2022 (Your code will not work after this date.)
2. **VISIT the Experian IdentityWorks website** to enroll: <https://www.experianidworks.com/credit>
3. **PROVIDE Your Activation Code:**

A credit card is not required for enrollment in Experian IdentityWorks. Upon enrollment in Experian IdentityWorks, you will have access to the following features:

- **Experian Credit Report at Signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.¹
- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.
- **Identity Restoration:** Restoration Agents are immediately available to help address credit/non-credit related fraud.
- **Experian IdentityWorks ExtendCARETM:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **\$1 Million Identity Theft Insurance:**² Provides coverage for certain costs and unauthorized electronic fund transfers.

You must activate your membership by the Enrollment Date (noted above) by enrolling at <https://www.experianidworks.com/credit>. If you have any questions about IdentityWorks, need help understanding something on your credit report, or suspect that an item on your credit report may be fraudulent, please contact Experian's customer team at (833) 549-2144 by December 31, 2022. Once your enrollment in IdentityWorks is complete, carefully review your credit report for inaccurate or suspicious items.

Even if you do not enroll in IdentityWorks, you may obtain Identity Restoration services for 12 months from the date of this letter by contacting Experian's Identity Restoration agents. The Terms and Conditions for this offer are located at www.ExperianIDWorks.com/restoration. If you believe there may have been improper use of your information as a result of this incident and you need assistance with Identity Restoration, please contact Experian's customer team at (833) 549-2144. Be prepared to provide engagement number B059672 as proof of eligibility for Identity Restoration services.

Additional Steps You May Wish to Take:

➤ **FREEZE YOUR CREDIT FILE.** You have a right to place a 'security freeze' on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. A security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, using a freeze to take control over who gets access to the personal/financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application made regarding a new loan, credit, mortgage, or any other account involving extension of credit. Security freeze generally does not apply to existing account relationships and when a copy of your report is requested by an existing creditor or its agents or affiliates for certain types of account review, collection, fraud control, or similar activities. There is no charge to place or lift a freeze. To place a security freeze on your credit report, contact each of the following credit bureaus and clearly explain in the call/letter that you are requesting a security freeze:

- *Equifax*, PO Box 740241, Atlanta, GA 30374, www.equifax.com, 1-800-685-1111
- *Experian*, PO Box 2002, Allen, TX 75013, www.experian.com, 1-888-397-3742
- *TransUnion*, PO Box 2000, Chester, PA 19016, www.transunion.com, 1-800-916-8800

¹ Offline members will be eligible to call for additional reports quarterly after enrolling.

² The Identity Theft Insurance is underwritten and administered by American Bankers Insurance Company of Florida, an Assurant company. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

To request a security freeze, provide your full name (middle initial, Jr., Sr., II, III, etc.), Social Security Number, date of birth; home addresses over the past 5 years; proof of current address such as a current utility bill or telephone bill; photocopy of government issued identification card (driver's license or ID card, military ID, etc.); and if you are a victim of identity theft, include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft. If you request a security freeze via toll-free telephone or other secure electronic means, credit reporting agencies have 1 business day after receiving the request to place the freeze. In the case of a request made by mail, the agencies have 3 business days after receiving your request to place a security freeze on your credit report. Credit agencies must also send written confirmation within 5 business days and provide a unique personal identification number (PIN) or password, or both, that can be used to authorize the removal or lifting of the security freeze. To lift the freeze to allow a specific entity or individual access to your credit report, you must call or send a written request to the credit reporting agencies by mail and include proper identification (name, address, and social security number) and PIN or password provided when you placed the security freeze as well as the identities of those entities or individuals you would like to receive your credit report or the specific period of time you want the credit report available. The credit reporting agencies have 3 business days after receiving a request to lift freeze for those identified entities or for the specified period of time. To remove the freeze, you must send a written request to the 3 credit bureaus by mail and include proper identification (name, address, & social security number) and PIN number or password provided when you placed the freeze. The credit bureaus have 3 business days after receiving the request to remove the freeze.

➤ **PLACE FRAUD ALERTS ON YOUR CREDIT FILE.** As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is an alert lasting 7 years. Contact the 3 credit reporting agencies listed above to activate an alert.

➤ **REMAIN VIGILANT: REVIEW YOUR ACCOUNT STATEMENTS & REPORT FRAUD. CHANGE PASSWORDS AND SECURITY VERIFICATION QUESTIONS & ANSWERS.** Carefully review your credit reports, debit/credit card, insurance policy, bank account and other account statements. Activate alerts on your bank accounts to notify you of suspicious activity, changing passwords/security verifications as needed – particularly if same password is used over multiple online accounts. If your medical information was involved, it is also advisable to review the billing statements you receive from your healthcare providers. Report suspicious or fraudulent charges to your insurance statements, provider billing statements, credit report, credit card or bank accounts to your insurance company, bank/credit card vendor, healthcare provider and law enforcement, including FTC and/or your State Attorney General.

➤ **ORDER YOUR FREE ANNUAL CREDIT REPORTS.** Visit www.annualcreditreport.com or call 877-322-8228 to obtain 1 free copy of your credit report annually. Periodically review a copy of your credit report for discrepancies and identify accounts you did not open or inquiries you did not authorize. (For Colorado, Maryland, New Jersey, Puerto Rico, and Vermont residents: You may obtain additional copies of your credit report, free of charge. You must contact each of the 3 credit reporting agencies directly to obtain such additional reports.)

- *Equifax*, PO Box 740241, Atlanta, GA 30374, www.equifax.com, 1-800-685-1111
- *Experian*, PO Box 2002, Allen, TX 75013, www.experian.com, 1-888-397-3742
- *TransUnion*, PO Box 2000, Chester, PA 19016, www.transunion.com, 1-800-916-8800

➤ **POLICE REPORT:** You have a right to a police report about this incident (if any exists). If you're an identity theft victim, you have the right to file a police report and obtain a copy of it. Notification of this incident has not been delayed as a result of a law enforcement investigation.

➤ **FAIR CREDIT REPORTING ACT (FCRA):** Summary of Your Rights Under the Fair Credit Reporting Act: The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Your major rights under the FCRA are summarized below. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552. 1) You must be told if information in your file has been used against you. 2) You have the right to know what is in your file. 3) You have the right to ask for a credit score. 4) You have the right to dispute incomplete or inaccurate information. 5) Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information. 6) Consumer reporting agencies may not report outdated negative information. 7) Access to your file is limited. 8) You must give your consent for reports to be provided to employers. 9) You may limit "prescreened" offers of credit and insurance you get based on information in your credit report. 10) You have a right to place a "security freeze" on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. 11) You may seek damages from violators. 12) Identity theft victims and active duty military personnel have additional rights.

➤ **OBTAIN INFORMATION ABOUT PREVENTING IDENTITY THEFT, FRAUD ALERTS, SECURITY FREEZES AND FCRA FROM THE FEDERAL TRADE COMMISSION.** Go to <http://www.experian.com/credit-advice/topic-fraud-and-identity-theft.html>. Federal Trade Commission also provides information at www.ftc.gov/idtheft. FTC hotline is 877-438-4338; TTY: 1-866-653-4261 or write to FTC, 600 Pennsylvania Ave., NW, Washington, DC 20580.

➤ **OBTAIN INFORMATION ABOUT PREVENTING IDENTITY THEFT FROM YOUR STATE ATTORNEY GENERAL.**

- *Maryland: You may contact and obtain information from your state attorney general at: Maryland Attorney General's Office, 200 St. Paul Place, Baltimore, MD 21202, 1-410-528-8662; www.oag.state.md.us Consumer Hotline 1-410-528-8662, or consumer@oag.state.md.us.*
- *New York: You may contact and obtain information from these state agencies: New York Department of State Division of Consumer Protection, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231-0001, 518-474-8583 / 1-800-697-1220, <http://www.dos.ny.gov/consumerprotection>; and New York State Office of the Attorney General, The Capitol, Albany, NY 12224-0341, 1-800-771-7755, <https://ag.ny.gov>*
- *North Carolina: You may contact and obtain information from your state attorney general at: North Carolina Attorney General's Office, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699, 1-919-716-6000/ 1-877-566-7226, www.ncdoj.gov*