

February, 2010

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Welcome to the TPR Spotlight

Dear Doctors & CAs,

This edition of the TPR Spotlight is packed full of exciting and important information. Please read on to learn more about the new service offered that will be a tremendous resource to you over the months to come. Also, the Red Flags are still waving, so it is important to insure that you have the most recent data.

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The Basics of the Red Flags Rule

By: Joann Conner

The Red Flags Rule became an enforceable law on January 1, 2008, but many business owners still do not understand exactly what that means. Based on the need to protect the non-public information of Americans, the Federal Trade Commission enacted this measure to heighten awareness in the business community. Identity Theft affects approximately nine million Americans each year, and is on an upward trend.

It is important that employees first be able to understand what identity theft entails, so they are more able to detect early warning signs in the every day workings of the business. Education will better equip the employees to understand suspicious behavior, or "red flags" so they can respond to prevent or mitigate the damage that identity theft can inflict on its innocent victims. Identification that appears to be fake or has indicators that do not fit, as in age discrepancies, mixed up birth dates, or address irregularities, are a few examples that should throw up "red flags."

The Federal Trade Commission mandates four basic steps to compliance. First, you must have a non-public information policy that details steps to handle, intake, and protect the vital information you collect from your clients, customers, vendors, and employees. It is worthy to note that the FTC defines identity theft as the use of two or more pieces of information, including but not limited to a name and birth date or name and address.

Training for employees and documentation of same is imperative as they must play an active role in developing a culture of security to protect the business, the clientele, and themselves. It is essential that the person or company doing this training be given adequate time to develop a comprehensive plan or be able to provide proof of qualified training themselves.

Once the "red flags" have been identified, it is a mandate that specific steps be outlined for dealing with the issue. The world of identity theft is constantly mutating, so it is also crucial to re-evaluate the plan on at least an annual basis.

Some medical facilities confuse HIPAA compliance with FACTA, Gramm, Leach, Bliley, and the Red Flags Rule mandates. Compliance with one does not necessarily mean you have taken all the steps to comply with the others, although there can be some overlap. Whether or not you fall under the Red Flags Rule is also not dependent on the size of your business, but rather the nature of the information you gather and store. For example, if you are a "creditor," meaning you provide services for which you bill later, you may fall under the Red Flags Rule even if you are the only person in the office. Liability also follows the data, meaning that if you use service providers that have access to any of the information you gather, you are required to ensure they also have safeguards in place. A prime example of this is a company that uses a payroll service to issue checks. When you give them your employee information, it is your responsibility to ask for proof they have taken steps to

protect that information.

JoAnn Conner is a Certified Identity Theft Risk Management Specialist, a Group Security Specialist, and Loss Prevention Specialist. She is an Independent Associate with Pre-Paid Legal Services Inc. and Identity Theft Shield. For more information, questions, or to receive a free booklet on the Red Flags Rule, please email joannconner@prepaidlegal.com or call 530/544-7412.

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