



Date: August 31, 2023

To: Coordinated care organizations (CCOs)

From: Dave Inbody, CCO Operations director, Health Systems Division
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Subject: Timeframe for CCOs to report security/privacy incidents to ISPO

The purpose of this communication is to highlight a change in the 2024 CCO contracts to the timeframe for reporting security/privacy incidents to ISPO and to request that CCOs implement this change effective immediately.

The Oregon Health Authority (OHA) sent the “[decision draft](#)” of the 2024 Medicaid contract to CCOs on August 18, 2023. This draft includes a change in the contract exhibits listed below to update the timeframe for reporting security/privacy incidents to ISPO from within 5 Business Days of discovery to within 1 Business Day.

- Paragraph f in Exhibit B, Part 8, Section 2 – Privacy, Security, and Retention of Records; Breach Notification
- Paragraph 4.2 in Exhibit N, Section 4 – Notifications

The same change will be made to Paragraph b in Exhibit E, Section 6 – HIPAA Compliance in the signature-ready 2024 Medicaid contract that will be sent to CCOs on November 1, 2023. The same change will also be made in the final draft of the 2024 non-Medicaid contract that will be sent to CCOs by September 18, 2023.

This change returns to the 1 Business Day reporting timeframe in the CCO 2.0 contracts prior to 2023. OHA and the Oregon Department of Human Services (ODHS) determined it was necessary to return to this timeframe because:

- The cybersecurity landscape has changed such that government entities now have to address global cybersecurity threat;
- The Oregon Consumer Privacy Act, which outlines a comprehensive consumer data privacy law, became law on July 18, 2023;
- The reporting timeframe for the Centers for Medicare and Medicaid Services remains at 24 hours; and
- The reduced timeframe enables OHA and ODHS to provide appropriate and timely support to a CCO partner at the beginning of an identified event and for OHA, ODHS, and the CCO to work together to support Oregon Health Plan members.

Additionally, OHA strongly encourages CCOs to implement the 1 Business Day reporting requirement effective immediately. OHA and ODHS learned from a recent [data breach](#) involving a private vendor subcontracted by multiple CCOs that the 5 Business Day timeframe in the 2023 contracts is insufficient to

address a security/privacy incident. While CCOs are not legally required to implement the 1 Business Day reporting requirement prior to 2024, OHA requests that CCOs make their best efforts to do so, so that OHA, ODHS, and CCOs are better positioned to respond to an incident should it occur in 2023.

Questions?

- About this communication: Please email Cheryl.L.Henning@oha.oregon.gov.
- About reporting security/privacy incidents to ISPO: Please email DHS.PrivacyHelp@odhsaha.oregon.gov.

Thank you for your continued support of the Oregon Health Plan and the services you provide our members.