



Washington State Auditor's Office

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Whistleblower Investigation Report **Health Care Authority**

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Dorothy Teeter, Director
Health Care Authority

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 16-008 at the Health Care Authority.

The State Auditor's Office received an assertion of improper governmental activity at the Agency. This assertion was submitted to us under the provisions of Chapter 42.40 of the Revised Code of Washington, the Whistleblower Act. We have investigated the assertion independently and objectively through interviews and by reviewing relevant documents. This report contains the results of our investigation.

Questions about this report should be directed to Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

TROY KELLEY
STATE AUDITOR
OLYMPIA, WA

cc: Governor Jay Inslee
Kathy Smith, Internal Auditor
Kate Reynolds, Executive Director, Executive Ethics Board
Jennifer Wirawan, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

We investigated whether an employee (subject) of the Health Care Authority (HCA) improperly disclosed confidential information

We found reasonable cause to believe an improper governmental action occurred.

Background

While conducting an investigation (WB 16-001) regarding the personal use of state resources by an employee at the Department of Social and Health Services (DSHS), we found 57 HCA documents saved on his state-owned computer. The documents contained confidential provider and client information.

We found these documents were sent to the DSHS employee by his sister, an HCA employee. During an interview, the DSHS employee said his sister sent the documents to him through the state email system.

As authorized by state law (RCW 42.40.040(4)), our Office self-initiated a whistleblower investigation to determine if the subject committed an improper governmental action by disclosing confidential information.

About the Investigation

We obtained the subject's emails for December 2014 through December 2015. We found she sent 80 emails with 133 attachments to her brother at DSHS requesting technical assistance.

The information emailed by the subject included spreadsheets containing the full names, dates of birth, Social Security numbers, past and current addresses, citizen status, client ID numbers, diagnostic codes, and provider information for tens of thousands of HCA clients. In one email, the subject sent a text file that contained information for more than 44,000 clients.

During an interview, the subject said that when she received an assignment from her supervisor that involved working with large sets of data on spreadsheets she sent the spreadsheets to her brother, who then completed the assignment for her. She said her supervisor did not authorize this activity, nor was the supervisor aware the subject was not doing the work herself. The subject said she did not think there was anything wrong with sending this data to her brother, since he was also a state employee.

Additionally, we found two instances when the subject emailed a relative confidential client information regarding another relative. In one of these instances the subject accessed the DSHS' Automated Client Eligibility System to obtain the confidential information. We spoke with the subject's supervisor, who said the subject was granted access to this system while in a prior position and her access should have been deactivated when she left that position.

We found reasonable cause to believe the subject improperly disclosed confidential information to her brother and another relative, neither of whom was authorized to receive it.

Recommendation

We recommend HCA:

- Conduct a risk assessment to determine whether the confidential data shared with the subject's brother has been, or is likely to be, compromised.
- Ensure the subject only has access to systems or information necessary to complete her assigned duties.

Agency's Plan of Resolution

The Washington State Health Care Authority (HCA) thanks the State Auditor's Office for conducting this investigation. Because the investigation could not confirm that the data stayed within the state's systems, HCA has determined there was a breach of protected data, and has notified clients.

The individual alleged to have initiated the data breach was immediately put on home assignment during the investigation. Upon confirming the breach, that individual's employment was terminated.

State Auditor's Office Concluding Remarks

We thank Agency officials and personnel for their assistance and cooperation during the investigation.

WHISTLEBLOWER INVESTIGATION CRITERIA

We came to our determination in this investigation by evaluating the facts against the criteria below:

Assertion 1:

RCW 42.52.050(3) Confidential information – Improperly concealed records.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.