



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

December 13, 2022

Mr. Jeff Karberg
Maryland Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202

via email: jkarberg@oag.state.md.us

Re: Maryland Department of Health Notice pursuant to Maryland State Government Article §10-1305(h).

Mr. Karberg:

On August 4, 2022, the Maryland Department of Health (MDH) Office of Internal Controls, Audit Compliance & Information Security (IAC/S) was notified by Barbara Boone, Compliance Director for Amerigroup, of a potential HIPAA breach. Amerigroup is a health insurance partner that administers Medicaid benefits in Maryland. As such, Amerigroup is a "Business Associate" (BA) of Maryland Medicaid, a "covered component" of the Maryland Department of Health (MDH). Amerigroup's investigation into the incident found that unauthorized users accessed participant information in a portal. The information accessed in this incident was participant name, claim number, Amerigroup Health Care Identification Number and provider name. In partnership with its vendors, Amerigroup investigated the potential breach and determined that there were 131 Maryland Medicaid participants whose information may have been viewed by unauthorized users. All unauthorized user accounts were disabled. Single sign-on access was indefinitely suspended and multi-factor authentication is now required for all users of the portal.

Amerigroup mailed the Health Information Technology for Economic and Clinical Health (HITECH) Act notices to all members, including the Medicaid members, impacted on August 12, 2022. These letters also met the requirements of State Government Article 10-1305(g). Amerigroup informed MDH IAC/S that its Privacy and Legal team performed a state law analysis and determined that notice to the Maryland Attorney General was not required. It was later discovered that this determination was made in reliance on the Maryland Personal Information Protection Act and the controlling statute, Protection of Information by Government Agencies, had been overlooked. As a result of this discovery, notification is now being made, albeit belatedly.

MDH apologizes for the oversight in this matter, if you have any questions or require additional information, please do not hesitate to contact me.

Lauren Boyce
Privacy Officer
Maryland Department of Health
Office of Internal Controls, Audit Compliance & Information Security
201 West Preston Street - 5th fl.
Baltimore, Maryland 21201

cc: Laura Gomez-Martin, State Chief Privacy Officer-Office of the Governor
Chip Stewart, State Chief Information Security Officer-Department of Information Technology