

A close-up photograph of a person's eye, showing the iris and eyelashes, is overlaid on a dark blue, semi-transparent background that occupies the right side of the slide. The eye is looking slightly to the right.

**Member Briefing  
Fall 2020—Georgia**

# Ga. COVID-19 Civil Immunities



THE STATE OF GEORGIA

EXECUTIVE ORDER

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BY THE GOVERNOR:

DESIGNATION OF AUXILIARY EMERGENCY MANAGEMENT  
WORKERS AND EMERGENCY MANAGEMENT ACTIVITIES

- Executive Order (EO)  
**04.14.20.01**
- Civil Immunity to healthcare facilities, but not MDs and their practices
- Excludes willful conduct, gross negligence

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DESIGNATION OF AUXILIARY EMERGENCY MANAGEMENT  
WORKERS AND EMERGENCY MANAGEMENT ACTIVITIES

- Executive Order (EO)  
**05.12.20.02**
- As part of a 30-pg. EO again extends civil immunity to healthcare facilities, but not MDs and their practices
- Excludes willful conduct, gross negligence

# Ga. COVID-19 Civil Immunities



A BILL TO BE ENTITLED  
AN ACT

**SB 359; Effective 8/7/2020**

1 To amend Title 51 of the Official Code of Georgia Annotated, relating to torts, so as to  
2 provide for certain immunities from liability claims regarding COVID-19; to provide for  
3 definitions; to provide for exceptions; to provide for assumption of risk presumptions; to  
4 provide for jury instructions; to provide a short title; to provide for findings; to provide for  
5 related matters; to provide for an effective date and applicability; to repeal conflicting laws;  
6 and for other purposes.

# SB 359






- Clarifies the application of state liability protections under prior EOs to extend to “health care providers” and businesses (i.e., practices).
- Immunity applies to COVID-19 transmission cases.
- Immunity applies to treatment of COVID-19.
- Immunity applies to PPE.
- Like bills or EOs in many other states, the civil immunity does *not* apply to all healthcare rendered during the declared state of emergency from COVID-19.

# Cyber Security Revisited (2017)



The hacking of Athens Orthopedic Clinic is apparently the work of The Dark Overlord, a hacker or group of hackers that targeted health care enterprises and, according to some reports, compromised the personal data of millions of people.

The clinic has blamed the breach on an unidentified third-party vendor whose log-in credentials were used by the hacker to gain access to the Athens Orthopedic Clinic's records.



**Advisen Healthcare Front Page News - Monday, September 26, 2016**

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### Athens Orthopedic, FBI offering no new information on data breach

Publication Date **09/23/2016**  
Source: **Athens Banner-Herald (GA)**

Sept. 23—Neither Athens Orthopedic Clinic, its spokesperson nor the FBI are providing any detailed information about the status of any ongoing response to the data breach that compromised the personal data of thousands of the clinic's current and former patients.

The hacking of Athens Orthopedic Clinic is apparently the work of The Dark Overlord, a hacker or group of hackers that targeted health care enterprises and, according to some reports, compromised the personal data of millions of people.

The Athens Orthopedic incident has affected more than 200,000 of the clinic's current and former patients. Last month, after news of the hack was made public, Athens Orthopedic sent letters to its current and former patients letting them know that the data breach compromised personal information that "includes your name, address, Social Security number, date of birth, telephone number and account number, and may include your diagnosis and medical history."

The letter told patients that the data breach occurred on June 14 and was discovered on June 27, at which time the clinic contacted the FBI. Even prior to the breach, according to the clinic, it had been working with cybersecurity experts, and has been working to implement their recommendations.

The clinic has blamed the breach on an unidentified third-party vendor whose log-in credentials were used by the hacker to gain access to the Athens Orthopedic Clinic's records.

On Thursday, a spokesman in the FBI's Atlanta office issued a "no comment" when asked for an update on the probe into the Athens Orthopedic hack. The spokesman also said "no comment" when asked about The Dark Overlord's recent claim of hacking an Atlanta orthopedic clinic's database.

# Cyber Security Revisited (2017)



The hacker, operating under the name **The Dark Overlord**, initially demanded that **Netflix** pay an unspecified ransom to prevent all the new episodes from being prematurely released online.

## Hacker holds Netflix to ransom over new season of Orange Is The New Black

The Dark Overlord claims to have stolen and posted episodes from the forthcoming season of the hit show, after demanding unspecified sum



New episodes of the series are scheduled for official release in the US on 9 June Photograph: Ali Goldstein/netflix

A hacker who claimed to have stolen the forthcoming season of **Netflix's** hit series Orange is the New Black and demanded a ransom payment claimed on Saturday to have followed through on its threat to release several episodes online.

The hacker, operating under the name **The Dark Overlord**, initially demanded that **Netflix** pay an unspecified ransom to prevent all the new episodes from being prematurely released online.

# Hack Ramifications (9/21/2020)

HHS.gov

U.S. Department of Health & Human Services

FOR IMMEDIATE RELEASE  
September 21, 2020

Contact: HHS Press Office  
[202-690-6343](tel:202-690-6343)  
[media@hhs.gov](mailto:media@hhs.gov)

## Orthopedic Clinic Pays \$1.5 Million to Settle Systemic Noncompliance with HIPAA Rules

Athens Orthopedic Clinic PA ("Athens Orthopedic") has agreed to pay \$1,500,000 to the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) and to adopt a corrective action plan to settle potential violations of the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security Rules. Athens Orthopedic is located in Georgia and provides orthopedic services to approximately 138,000 patients annually.



# Hack Ramifications (9/21/2020)

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## Orthopedic Clinic Pays \$1.5 Million to Settle

OCR's investigation discovered longstanding, systemic noncompliance with the HIPAA Privacy and Security Rules by Athens Orthopedic including failures to conduct a risk analysis, implement risk management and audit controls, maintain HIPAA policies and procedures, secure business associate agreements with multiple business associates, and provide HIPAA Privacy Rule training to workforce members.