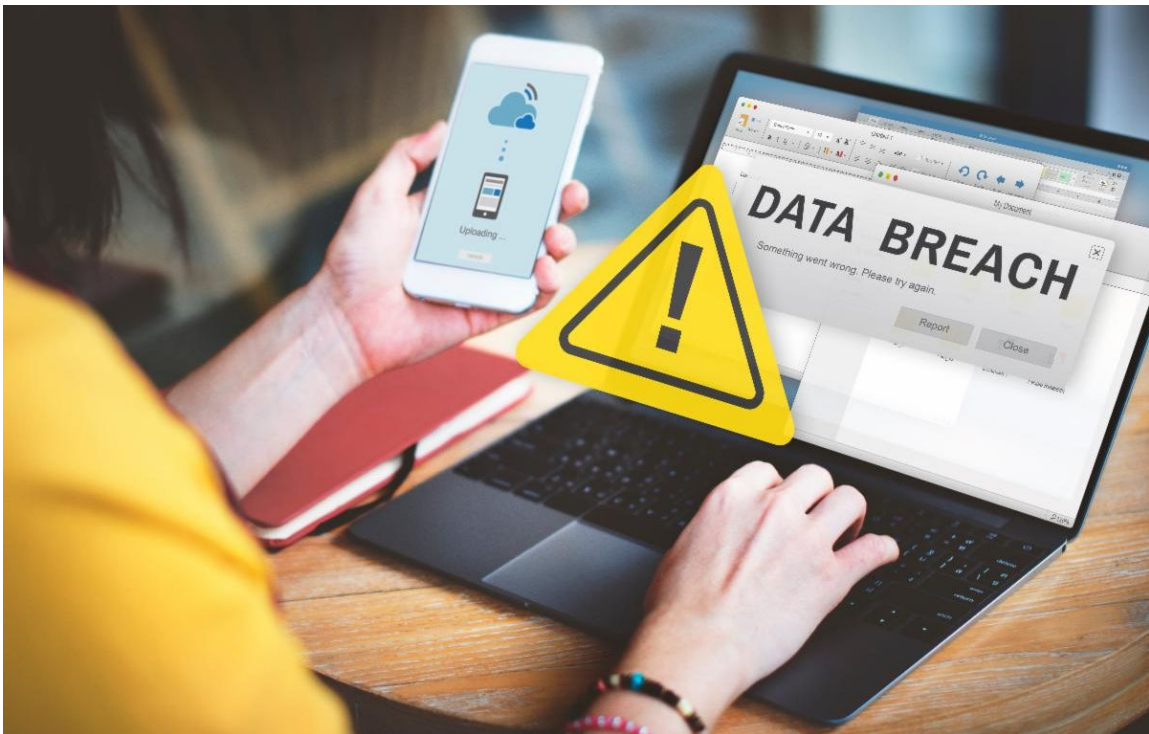


INSURANCE MATTERS

COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA
THE **VOICE** OF PENNSYLVANIA COUNTIES



Pennsylvania Updates State Data Breach Notification Law

By Matthew H. Meade and Laura A. Decker at Ecker Seamans

On June 28, 2024, Pennsylvania enacted significant changes to its existing Breach of Personal Information Notification Act, with the adoption of Pennsylvania Senate Bill 824 (Senate Bill 824). Senate Bill 824 marks the second amendment to the Pennsylvania data breach notification law in the last two years, following amendments which went into effect on May 2, 2023. These newest updates to the law, which will become enforceable on September 26, 2024, create several new legal obligations for organizations that maintain data related to residents of Pennsylvania, as well as changing certain legal thresholds and definitions which will impact entities subject to Pennsylvania law.

REGULATORY NOTICE CHANGES

Senate Bill 824 creates a new legal requirement that an organization must notify the Pennsylvania Attorney General's Office whenever it provides notice

of a breach under Pennsylvania law to more than 500 residents of the state. The notification to the Attorney General must be provided concurrently with the notice provided to individuals, and must include the following information (if known at the time of notice):

- The organization name and location
- The date of the breach, as defined by Pennsylvania law
- A summary of the incident
- The estimated total number of impacted individuals, and
- The estimated total number of impacted residents of Pennsylvania

Any entity subject to the requirements of the Pennsylvania laws regulating data security for the insurance industry is exempt from the above requirement to notify the Attorney General. There is no mention in Senate Bill 824 whether the Attorney General notification will be submitted via an electronic form or letter via email.

OBLIGATION TO PROVIDE CREDIT REPORT/CREDIT MONITORING

Another new addition to the breach notification law requires that organizations also provide certain impacted Pennsylvania residents with access to a credit report and credit monitoring services, free of any cost to the individual. These requirements only apply when an organization determines that:

1. There was a breach of the security of the systems as defined by Pennsylvania law; and
2. The data accessed as a result of the breach included the individual's name (first and last name, or first initial and last name) in combination with their Social Security number, bank account number or driver's license/state identification card number.

If these requirements are satisfied, the organization must provide the impacted individual with "access to one independent credit report from a consumer reporting agency if the individual is not eligible to obtain an independent credit report from a consumer reporting agency for free under 15 U.S.C. § 1681". Furthermore, the organization must also provide the individual with an offer of 12 months of credit monitoring services and inform them that the credit monitoring services are available at no cost to the individual. The inclusion of bank account number as an element of PII that requires credit monitoring is unusual and contrary to the guidance in other states such as California which only require that credit monitoring be offered in breaches involving Social Security numbers or certain types of government identification such as driver's license, California identification card numbers, tax identification number, passport number, military identification number or other unique identification number issued on a government document.

REDUCED THRESHOLD FOR NOTICE TO CREDIT REPORTING AGENCIES

Pennsylvania's data breach notification law previously required that any organization providing notice to 1,000 or more state residents must also provide notice to the consumer reporting agencies that compile and maintain files on consumers on a nationwide basis. However, Senate Bill 824 reduces that threshold number, thus requiring any organization that is providing notice to 500 or more individuals to also notify the credit reporting agencies as defined by section 603 of the Fair Credit Reporting Act.

MODIFIED DEFINITION OF PERSONAL INFORMATION

Lastly, Senate Bill 824 modifies the data breach notification statute's definition of personal information, specifically as it relates to medical information. In the amendments implemented in May of 2023, Pennsylvania expanded the list of data elements identified as personal information, including the addition of medical information as personal information protected under the law. Senate Bill 824 will further narrow the definition of medical information to read "Medical information in the possession of a State agency or State agency contractor" (statutory changes in bold). This substantial qualification of what constitutes "medical information" appears to exempt private sector organizations from the legal requirement to provide notice to Pennsylvania residents of a breach involving their medical information, unless the data was in possession of a State agency or State agency contractor at the time of the breach. The amendment does not change the obligation of entities that are subject to HIPAA to report a data breach involving protected health information.

As state data breach notification laws in Pennsylvania and across the nation continue to evolve, it is important that organizations continue to update incident response plans, evaluate potential risk, and work with counsel to ensure compliance in the event of a data security incident.

Senate Bill 824 is [available to read here](#) Eckert Seaman's prior Data Security & Privacy Alert related to the 2023 Amendments to Pennsylvania's databreach notification law is [available to read here](#)

Sources: *Pennsylvania Senate Bill No. 824, 2023-2024, Printers No. 1151; 43 Pa. C.S. § 2301 et seq.*



A Human Resource Related Benefit for PCoRP (Pennsylvania Counties Risk Pool) Members!

PCoRP Members, this HR related benefit is designed for you! The **PCoRP HR Risk Management Review** service is designed to help reduce exposures to liability for PCoRP members. Employment related lawsuits are a major liability and can be very time consuming and costly to the members and PCoRP. With risk mitigation in mind, the PCoRP Board of Directors allocates funding to provide up to seven members per year a free HR Risk Management Review. This benefit affords members with an analysis of their personnel policies and procedures and is an entirely voluntary benefit available to all PCoRP Members.

The goal of the PCoRP HR Risk Management Review is to provide HR directors

and commissioners with input and advice about ways to limit the possibility of being sued, and to best position the county in the event of a lawsuit.

PCoRP's Board of Directors has selected two of its defense counsel firms to conduct the reviews. The firms are generally assigned based on the participating member's geographical location. The review is designed to provide impartial, independent advice to members.

In a typical PCoRP HR Risk Management Review, the following items are evaluated:

- Employment Application
- Employment Postings
- Job Descriptions
- Recruitment and Hiring Policies and Procedures
 - Background Investigations and Reference Checks
 - Probationary Period
 - Drug Testing
- Orientation and Staff Training
- Personnel Manual
- Payroll
 - Overtime and Compensatory Time
 - On-Call Compensation
- Grievance Procedures
- Performance Evaluations
- ADA Compliance
- ACA Compliance
- Personnel Record Retention
- Employee Discipline and Discharge
- Collective Bargaining Agreements
- Work-Related Injury and Disability
- Heart and Lung Act Compliance
- Worker's Compensation Insurance
- Unemployment Compensation
- Policies:
 - Personnel Policies & Distribution
 - Medical Examinations/Physical Policy
 - Sexual Harassment Policy
 - Non-Discrimination Policy
 - Anti-Harassment Policy
 - Leave of Absence Policies - Vacation/Sick/FMLA/Extended Leave Policies
 - Fair Labor Standards Act (FLSA)
 - Disciplinary Policies
 - Termination Policies
 - Separation Policy
 - Affirmative Action Policy
 - Personnel Record Retention Policy
 - Medical Marijuana Policy
 - Required Employment Law Postings

WHAT TO EXPECT

Following the review of all the above policies, procedures and practices, the attorney will prepare a draft written report and send it to the HR director for review and comment. After a set time for comments and a review of any

comments received, the final report is issued to the commissioners, county solicitor and PCoRP. The reports are considered confidential and subject to attorney-client privilege. PCoRP will not use the information from this benefit to change the member's cost of coverage or to deny coverage. Instead, members of PCoRP's Risk Control Team will work collaboratively with members to improve risk management efforts based on the recommendations provided in the review.

HOW TO REQUEST YOUR HR RISK MANAGEMENT REVIEW

PCoRP Members who are interested in having the PCoRP HR Risk Management Review conducted should contact [Keith Wentz](#), Risk Management Director.

Please note, PCoRP Members who have not previously received this service will be given priority in scheduling the reviews.



It seems most of our members are incredibly familiar with PCoRP (Pennsylvania Counties Risk Pool), providing property and liability coverage, and PComp (Pennsylvania Workers' Compensation Trust), providing workers' compensation coverage, but did you know that CCAP Insurance Programs has 10 programs to aid Pennsylvania Counties? Take a look below and contact [Desiree Nguyen](#) if you have any interest in learning more!

CCAP Insurance Programs

Solutions For Your County



*Ask Us First,
We Cover It All*



PCoRP - PROPERTY AND LIABILITY COVERAGE

PCoRP is a unique combination of self-insurance, reinsurance and risk management. Lines of coverage include property, crime, general liability, law enforcement, auto, public officials' liability and cyber security liability. Members receive a full-service package including in-house claims management, grant programs, risk management and educational opportunities.



PComp - WORKERS' COMPENSATION COVERAGE

PComp provides full statutory workers' compensation coverage to Pennsylvania counties. Rates are based solely on county loss data. Members receive a full-service package including in-house claims management, grant programs, risk management and educational opportunities.



UC TRUST - UNEMPLOYMENT COMPENSATION

UC Trust is a totally self-insured program and provides member counties with a full-service package including claims management, hearing representation, benefit charge auditing, educational opportunities and a robust Employee Assistance Program.



CCAP HEALTH ALLIANCE - HEALTH, DENTAL, VISION and PRESCRIPTION

Health Alliance offers a complete range of medical, dental, vision and prescription plans, fully customized to meet the needs of each individual county or entity. Members enjoy guaranteed rates, low administrative costs, an incentive based wellness program, COBRA administration, compliance assistance with the Affordable Care Act and access to FSA, HRA and HSA administrators.



PELICAN - LIABILITY INSURANCE FOR NURSING HOMES

PELICAN provides professional and general liability for non-profit nursing homes and is sponsored by the Pennsylvania Association of County Affiliated Homes (PACAH). Subscribers receive a full-service package including in-house claims management, risk management and educational opportunities.

Owned by members, governed by members • Tailored to meet the specific needs of counties • Surplus belongs to members • Free or low cost risk management training • Grant programs • Risk control incentive programs • Personalized claims management • Rates provided in advance to assist with the county budget process





PIMCC - PRISON INMATE MEDICAL COST CONTAINMENT

PIMCC provides medical cost management and education to assist county prisons with the containment of costs related to inmate medical expenses. Services include inmate medical bill auditing, case management/concurrent inpatient review, group prescription purchasing program, medical provider fee negotiations and correctional care educational opportunities.



COMCARE PRO - BEHAVIORAL HEALTH STOP LOSS REINSURANCE

COMCARE PRO provides stop-loss liability insurance to Pennsylvania counties and non-profit corporations whose sole members are Pennsylvania counties. Subscribers are partially reimbursed in excess of their attachment point for costs incurred in meeting their obligations under agreements with the HealthChoices program of the Commonwealth of Pennsylvania.



TAX COLLECTOR BONDS - TAX COLLECTOR SURETY BOND PROGRAM

The Tax Collector Bond program provides surety bond coverage for tax collectors as required by state law. Protection applies only to the Commonwealth of Pennsylvania, the named county, the named municipality and the named school district.



VOLUNTEERS - SPECIAL RISK ACCIDENT INSURANCE FOR VOLUNTEERS

The Volunteers program provides insurance coverage for accidental death, dismemberment and medical expenses for county volunteers. Volunteers are not covered under the Pennsylvania Workers' Compensation Act, and this program can provide this special risk service for your county. Coverage also extends to court-referred alternative sentencing, work release and juveniles participating under the Juvenile Tobacco Enforcement Program. This insurance is in excess of any other insurance in place for volunteers.






PACAH BONDS - PATIENT TRUST FUND BONDS FOR NURSING HOMES

PACAH Bonds are patient trust fund bonds for nursing home residents and are provided to meet the requirements of federal law. The bond program is available for Pennsylvania Association of County Affiliated Homes (PACAH) members through Travelers Casualty and Surety Company at very competitive group rates. Bonds are written for a two-year period.

Note: These are summary explanations of each program. Please see each program's detailed coverage descriptions, coverage documents and bylaws for full details.

To learn more about CCAP's insurance programs, contact us:

 (800) 895-9039
 insurance@pacounties.org
 www.pacounties.org



Fall Risk Management Workshops!

September will be the official start of the Fall Risk Management Training season. We have a great training season lined up! Online registration opens August 12 and copies of the fall GLIMPSE will be in the mail mid-August with sessions starting at the end of September.

We will also be holding a few sessions in our Safety Spotlight series on perfluoroalkyl and polyfluoroalkyl substances (PFAs) and wellness programs. These sessions are designed to be 60 to 90-minute virtual sessions on hot topics.

Please check the GLIMPSE Online section of the CCAP website for the information on all topic descriptions, dates, times and locations.

As a reminder, most of the workshops are **FREE** to attend if your county is a participating member of the sponsoring Insurance Programs (PCoRP, PComp, UC Trust and PELICAN). To check your county's membership, please refer to the CCAP Insurance Programs Member Listings.

The CCAP Insurance Programs continue to collaborate with the Academy for Excellence in County Government. Please refer to our website for additional information on co-sponsored events. These workshops are FREE to current Academy participants.

As always, if you have any questions, please feel free to contact [Linda Rosito](#).

We hope to see you this fall!



Embracing Mental Health Counseling

Mental health counseling, also known as therapy, encompasses a range of approaches aimed at helping individuals address emotional, psychological and behavioral challenges. Whether grappling with depression, anxiety, trauma or other mental health issues, counseling provides a supportive environment

where individuals can explore their concerns, gain insight into their experiences and develop coping strategies for managing symptoms.

The Importance of Mental Health Counseling

- **Promoting Wellness:** Mental health counseling can help promote overall well-being and improve quality of life. By addressing underlying issues and providing support, counseling helps individuals cultivate resilience, improve self-esteem and enhance their ability to cope with stressors.
- **Treatment for Mental Health Disorders:** Counseling is an essential treatment component for various mental health disorders. Through evidence-based techniques such as cognitive-behavioral therapy (CBT), dialectical behavior therapy (DBT) and interpersonal therapy, counselors help individuals manage symptoms, improve functioning and ultimately achieve recovery.
- **Stigma Reduction:** Seeking counseling for mental health concerns helps reduce stigma and normalize discussions surrounding mental illness. By openly acknowledging and addressing mental health issues, individuals challenge stereotypes and promote acceptance and understanding within their communities.
- **Supportive Environment:** Counseling provides a safe and non-judgmental space where individuals can express themselves freely, without fear of criticism or rejection. This supportive environment encourages open communication, fosters trust and promotes healing.

Read more about mental health counseling [in M&S EAP's blog!](#) M&S EAP services are available to UC Trust members at no cost.



Providing unemployment compensation coverage for employees of counties and county-related entities

- Claims Administration and Cost Control Services
- Employee Assistance Program (EAP)
- Free or Discounted Training Opportunities
- Risk Control Incentive Program



For more information, contact
Desiree Nguyen at dnguyen@pacounties.org



LocalGovU Course Spotlight

Defensive Driving Basics

This course will dive into the basics of defensive driving, including its definition, purpose and importance, as well as the factors that play an important role from the driver's perspective. There will be further discussion surrounding the equipment and judgment necessary for driving safely, as well as review the types of impairment that should be avoided to increase driver safety.

This is a general education course, and the Academy is not responsible for continuing education credits that are rejected in any way. Given the variation in the approval and acceptance of continuing education credits state to state, it is advised that you confirm recertification and training requirements, including accepted courses, with your administrator and check the accreditation page on our site that corresponds with your state.

Take Course

Advanced Defensive Driving Techniques

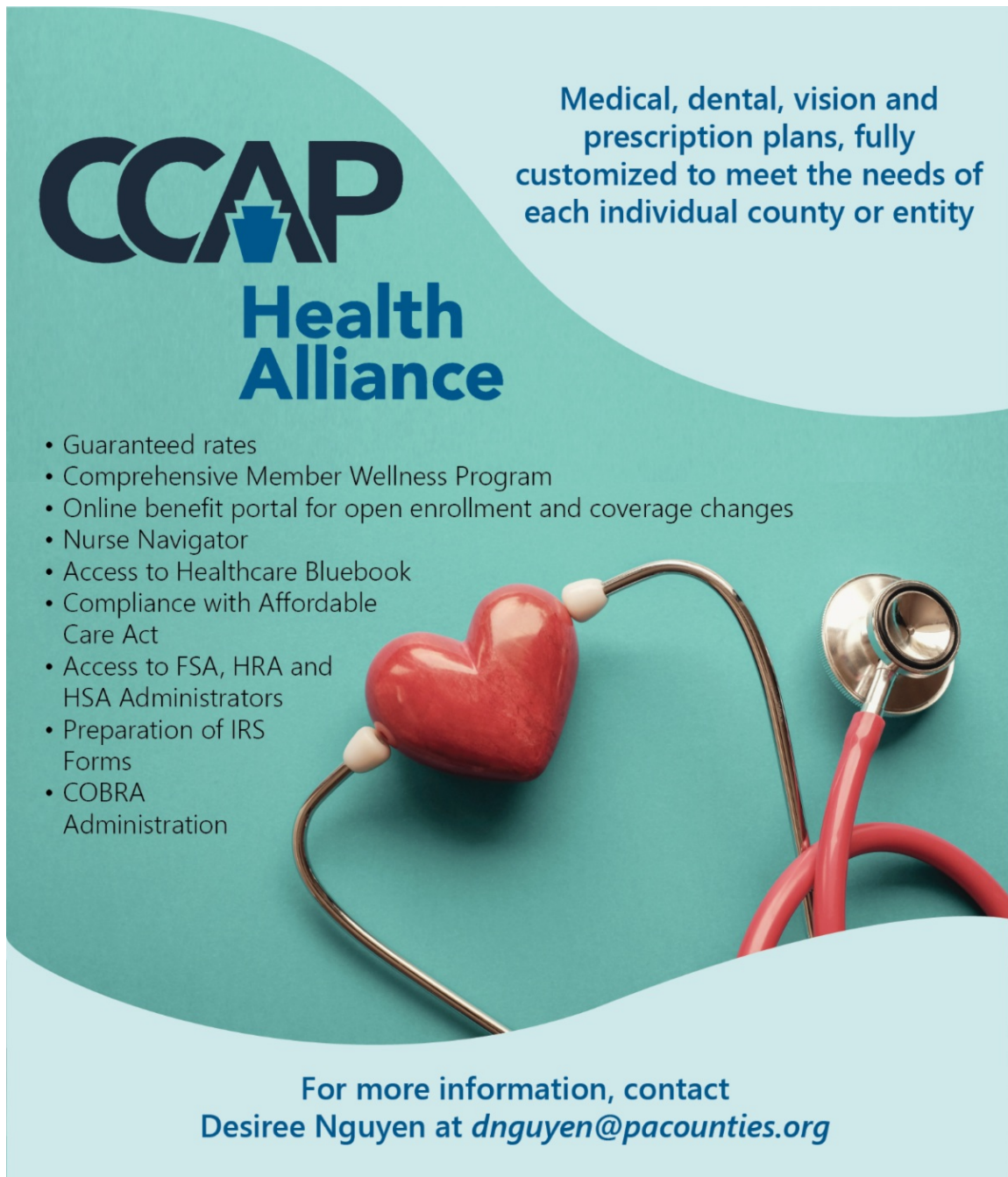
This course concentrates primarily on advanced defensive driving techniques. You will be given instruction on how to drive defensively in adverse conditions including heavy rain, snow and ice. There will be further discussion on how to share the roadways with other motorists, cyclists and pedestrians.

Course Accreditation Disclaimer:

This is a general education course, and the Academy is not responsible for continuing education credits that are rejected in any way. Given the variation in the approval and acceptance of continuing education credits state to state, it is advised that you confirm recertification and training requirements, including accepted courses, with your administrator and check the accreditation page on our site that corresponds with your state.

CCAP Insurance Programs has many opportunities for driving education, whether it is through our partnership with LocalGovU for online training and resources, or through GLIMPSE's in-person Defensive Driving Courses. UC Trust, PCoRP and PComp Members can access/attend these courses at no cost.

For more information about LocalGOvU, contact [Andrew Smith](#). For more information about the Defensive Driving courses offered through GLIMPSE, contact [Linda Rosito](#).

The advertisement features a teal and light blue background. On the left, the CCAP logo is displayed in dark blue, with a stylized heart shape integrated into the 'A'. Below the logo, the words 'Health Alliance' are written in a bold, dark blue font. To the right of the logo, a list of benefits is provided. In the center-right, there is a photograph of a red stethoscope with a red heart-shaped chest piece. The text 'Medical, dental, vision and prescription plans, fully customized to meet the needs of each individual county or entity' is positioned above the stethoscope. At the bottom, contact information for Desiree Nguyen is provided.

CCAP
Health Alliance

Medical, dental, vision and prescription plans, fully customized to meet the needs of each individual county or entity

- Guaranteed rates
- Comprehensive Member Wellness Program
- Online benefit portal for open enrollment and coverage changes
- Nurse Navigator
- Access to Healthcare Bluebook
- Compliance with Affordable Care Act
- Access to FSA, HRA and HSA Administrators
- Preparation of IRS Forms
- COBRA Administration

For more information, contact
Desiree Nguyen at dnguyen@pacounties.org

Insurance Team Member Spotlight Featuring Angela Miller

Angela Miller is the Claims Director for CCAP Insurance Programs. She graduated from Penn State University

and worked for 15 years at a plaintiff's law firm before joining the ranks at CCAP.



What's your favorite part of working here?

I love the Claims Teams and the collaborative partnerships, both internally and with our members. I truly believe in the programs and what we do—it's rewarding to do work that matters!

What does your daily routine look like?

My daily routine includes getting myself, husband and 2 daughters moving in the morning. Then I get the opportunity to work with the PCoRP, PComp, PELICAN and COMCARE PRO Claims Teams, boards and members. Some days I am in a mediation to resolve a claim; another day, I'm in a training to understand trends in laws and claims; the next day I'm attending board meetings and reporting our own trends and claims within the programs. As a new Claims Director, I'm still working to fall into a routine after being promoted from a Claims Representative position, but claims can never really expect a solid routine as the work depends on what's coming in, what's going out and what's going on in the world. Every day is something new and exciting in claims. After work in the spring and fall, you'll likely find me on a softball field coaching my daughters' teams, in the summer you'll find me at the community pool, and in the winter you'll find me with a blanket and hot chocolate waiting for the snow.

What skill do you think everyone should learn?

Everyone should learn how to work with the public in the service industry. Whether it's retail, fast food or waitressing, everyone should work at least a year in a public facing position.

Other Training Opportunities

[GLIMPSE Risk Management Trainings](#)

Each workshop season, there are a number of training opportunities designed for and open to Pennsylvania counties, county-related entities (CREs) and PELICAN program members. The Fall Workshop Season is just around the corner!

[LocalGovU](#)

LocalGovU's Online Training Center comes equipped with a library of high-quality risk control courses covering a variety of topics including Risk Management, Safety and Environment, Law Enforcement, Corrections, Human Resources and Management. In partnership with the UC Trust, PComp and PCoRP, this online training is available to members at no cost. If you have questions regarding the trainings, please contact [Andrew Smith](#).

[M&S EAP](#)

Take personal assessments, build skills for personal or professional growth, work on your health, and more at M&S's Employee Assistance Program dashboard. In partnership with the UC Trust, M&S EAP services are available to members at no cost.

Quote of the Month

"Safety should never be a priority, it should be a precondition."

– Paul O'Neill

CCAP INSURANCE PROGRAMS

ASK US FIRST...WE COVER IT ALL!

Other CCAP
Publications

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