

Data breach: Health Quest, Nuvance target of federal lawsuit

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In the wake of a data breach that has potentially exposed the personal identification and medical information of more than 28,000 Health Quest customers, a Poughkeepsie woman claims she and other patients are entitled to financial damages.

Leah Wallace on Tuesday filed a class action lawsuit in federal court against Health Quest and Nuvance Health.

The lawsuit was triggered by [a July 2018 phishing incident that resulted in multiple Health Quest employees sharing their email account usernames and passwords.](#)

Filed Tuesday in U.S. District Court, the lawsuit assailed the defendants "for their failure to exercise reasonable care in securing and safeguarding their patients' sensitive personal data," including names, dates of birth, Social Security numbers, driver's license numbers and financial account information.

"...Defendants' security failures enabled the hackers to steal the private information of plaintiff and members of the class... These failures put plaintiff's and class members' private information and interests at serious, immediate, and ongoing risk and, additionally, caused costs and expenses..." the court papers say.

According to the federal Department of Health and Human Services, a "Hacking/IT Incident" at Health Quest, involving email and 28,910 people, is under investigation.

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Health Quest became part of Nuvance Health [in a merger last April](#). Among the health care provider's Hudson Valley operations are Vassar Brothers Medical Center in Poughkeepsie and Northern Dutchess Hospital in Rhinebeck.

Nuvance spokesman John Nelson declined comment, citing the pending litigation. Wallace's attorney, Jason Sultzer, referred questions to the court papers.

Sultzer did say the class action must be certified by a judge and the amount of any damages awarded won't be determined until the case progresses, likely with the help of expert witnesses. He also said that if the class action is certified, or both sides settle, others who were affected will be notified of the lawsuit and offered the chance to remain or withdraw.

The suit was assigned to federal court in White Plains.

Health Quest first alerted patients who were potentially impacted by the breach last May by sending out letters. At the time, the network said the breach revealed emailed attachments that included patients' health, treatment and insurance claims information.

However, the company is in the process of sending out a new batch of letters after learning the breach exposed more customers and revealed more information than the healthcare network originally believed. This new information included Social Security numbers and payment card information. Those affected are expected to receive letters by Feb. 15.

The suit called it inexplicable that Health Quest would wait until May to notify patients when an investigation into the breach was concluded in early April, and pointed out the letters being mailed out this month state the second investigation concluded on Nov. 8.

A cybersecurity firm hired by Health Quest found the employee email accounts had email attachments containing patient names, date of birth, Social Security numbers, driver's license numbers, financial account information, PINs and security codes, payment card information, provider names, dates of treatment, treatment and diagnosis information and health insurance claims information.

Consequently, the suit claims "Plaintiff and other class members have suffered actual injury and at risk of further imminent and impending injury arising from the substantially increased risk of future fraud, identity theft, and misuse posed by the private information being stolen," and notes Wallas purchased credit monitoring services in the wake of the breach.

Health Quest offered patients potentially impacted complimentary credit monitoring and identity protection services.

The suit claims Health Quest and Nuvance Health "had obligations created by HIPAA, industry standards, common law and representations made to class members, to keep class members' private information confidential and to protect it from unauthorized access and disclosure."

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