

DC | HEALTH

Security and Confidentiality Review

Grant Year 31 Kickoff Meeting - May 2021

GOVERNMENT OF THE
DISTRICT OF COLUMBIA
DC MURIEL BOWSER, MAYOR

OVERVIEW

- Review of security & confidentiality requirements
- Patient Health information (PHI)
- Best practices for working from home
- Scenarios and examples of Ryan White Program breaches
- Repercussions and corrective action of breach

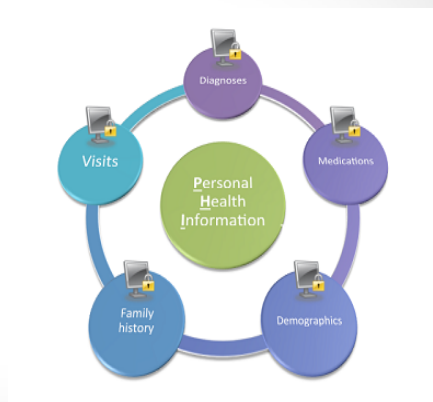


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Personal Health Information

Personal Health information (PHI) is defined as any information about an individual maintained by an agency, including:

- (1) any information that can be used to distinguish or trace an individual's identity; and
- (2) any other information that is linked or linkable to an individual.



Examples of Patient Health Information

- Name
- Mailing address
- Email address
- Date and place of birth
- Telephone and fax numbers
- Social security number
- Mother's maiden name
- Hospital admission and discharge date
- Date of death
- Dates of Service
- Health plan numbers
- Health records, health histories, lab test results, and medical bills
- License numbers
- Medical, educational, financial, and employment information
- Full face photographic images
- Biometric records (DNA, fingerprint, retina patterns)

Data Security and Confidentiality Requirements

Control and limit access to patient's data

- Avoid using or sharing same CAREWare credentials
- Remove CAREWare account for users who leave your organizations

Method for sharing clients level data with HAHSTA

- **Use Sharefile** to exchange client's data with HAHSTA
- Do not share client demographic or clinical information through emails or text messages

Data Sharing and Business Associate Agreements

- HAHSTA enters into data sharing and/or business associate agreements with Ryan White Providers
- Human Care Agreement Funded Providers enter into Business Associate Agreement
- Grant Funded entities have Data Sharing Agreement
- New network providers a required to have signed agreement(s) in file within 30 days from the beginning of the program year

Working Remotely Best Practices

- Avoid public WiFi – use encrypted web connection
- Keep work data on work computers/ devices
- Block sight lines when working in public spaces
- Never leave devices unattended in the car
- Keep operating system and software up-to-date
- Use virtual private network (VPN), when available



Ryan White Data Security Breaches and Repercussions

Common PHI/PII Breaches: 6 since 10/2020

- Email: Written communications with staff re: CAREWare
- E-Invoicing: Substantiation for at-cost reimbursements
- EGMS: Employee info, RideShare back up w/names & addresses

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Ryan White Data Security Breaches and Repercussions

It's the Law:

The Data-Sharing and Information Coordination Amendment Act of 2010 (D.C. Official Code sec. 7-745) provides for a civil penalty of either \$500 or \$1,000 for unlawful disclosure of PHI, depending on whether the disclosure is negligent or willful. In addition, disclosure of PHI that is knowingly unlawful can be criminally prosecuted, with a conviction resulting in a fine of up to \$2,500 and/or up to 60 days imprisonment (D.C. Official Code sec. 7-746). The implementing regulations (29 DCMR sec. 3005) do not expand on the Code provisions.

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Ryan White Data Security Breaches and Repercussions

Repercussions:

1. Provider will be notified and immediate rejection of invoice/progress report.
2. Removal of unlawful document.
3. 1st Offense: Remediation Plan
4. 2nd Offense: Corrective Action Plan
5. Fines and/or possible termination of funding