

Security and Confidentiality Review

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OVERVIEW

- Review of security & confidentiality requirements
- Define patient health information (PHI)
- Best practices for working from home
- EMA Data Security and Confidentiality Requirements
- Scenarios and examples of Ryan White Program breaches
- Repercussions and corrective action of breach





What is 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.

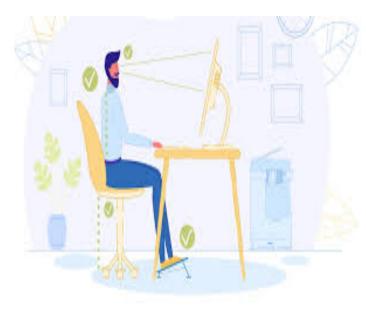


Examples of Patient Health Information

- 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 DC HEALTH GOVERNMENT OF THE DISTRICT OF COLUMBI

- 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)

Best Practices for Working Remotely



- 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



EMA Data Security and Confidentiality Requirements

- Control and limit access to patient's data
- Avoid using or sharing same CAREWare credentials
- Immediately notify <u>care.ware@dc.gov</u> to remove CAREWare accounts for users who leave your organizations
- Method for sharing clients level data with HAHSTA
- Use Sharefile to exchange ALL client's data with HAHSTA
- Do not share client demographic or clinical information through emails or text messages



EMA Data Security and Confidentiality Requirements

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





Ryan White Data Security Breaches and Repercussions

Common PHI/PII Breaches:

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



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.



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



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The District of Columbia's privacy policy extends to District government websites only. If you access another organization's website through the <u>www.dc.gov website</u>, you should read that organization's privacy policy to determine its website practices.

Note: The District's Affordable Care Act website, DC Health Link, is found at <u>dchealthlink.com</u>. DC Health Link is operated by the DC Health Benefit Exchange Authority (the "Authority"). The DC Health Benefit Exchange Authority's privacy and security policies can be found at <u>hbx.dc.gov/node/716092</u> and its privacy and security policies for exchange operations can be found at <u>hbx.dc.gov/node/716102</u>.



Questions?

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For more information on the District's COVID-19 response, visit coronavirus.dc.gov