

Security and Confidentiality Review

Grant Year 32 Kickoff Meeting
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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
- 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 care.ware@dc.gov 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 are 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 [www.dc.gov website](http://www.dc.gov/website), 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 dchealthlink.com. 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 hbx.dc.gov/node/716092 and its privacy and security policies for exchange operations can be found at hbx.dc.gov/node/716102.

Questions?

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