

Washington DC EMA Ryan White HIV/AIDS Security and Confidentiality Review

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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



Personal Health Information

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

- Any information that can be used to distinguish or trace an individual's identity; and
- Any other information that is linked or linkable to an individual.



Examples of Personal 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 Scenarios

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

PRIVACY & SECURITY STATEMENT

The District of Columbia is committed to protecting the privacy of all visitors to any of our websites through the following practices.

Collection and Use of Online Information

When you visit our website, certain data, such as your computer's unique Internet protocol (IP) address, will be automatically collected and sent to the servers that support our website system to help us provide better service and a more effective website. In addition, as part of these efforts, sections of this site may place a small text file (typically only a few bytes) on your hard drive to allow us to identify your computer. We will not attempt to read any additional information on your hard drive, and we do not combine collected information with other personal information to determine your identity or your email address.

In order to visit certain areas of this site, or to use certain services, you may be asked to provide personal information, such as your name, address, or gender. If you are making a payment, we may ask for your credit card number and billing address. If you decline to provide requested information, our ability to serve you may be limited. But you will still be able to visit the site and take advantage of the wealth of information it offers.

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Please be assured that this site is equipped with security measures to protect the information you provide us. We encrypt credit card numbers and other data that must remain secure to meet legal requirements.

Protection of Personal Information

Your individual identifying information will not be shared, sold, or transferred to any third party without your prior consent, or unless it is required by law. It is available to District web development employees only for the purpose of maintaining the DC.Gov web portal and improving the site visitor experience.

Other Sites

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), 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.

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QUESTIONS?

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