

# STEMMING THE RISING TIDE OF HEALTH PRIVACY BREACHES: THE NEED FOR A MORE HOLISTIC APPROACH

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The Eighteenth National HIPAA Summit

Washington, D.C.

February 3, 2010

# Presentation Objective

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To encourage a more strategic approach to safeguarding personal health information

# Stemming the Rising Tide of Health Privacy Breaches

## The Need for a More Holistic Approach



by  
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# Presentation Overview

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- 1) Make some foundational observations about healthcare and health privacy breaches
- 2) Discuss limitations of a compliance-based approach to protecting healthcare privacy
- 3) Suggest a more holistic approach be used to safeguard personal health information

*Modern healthcare is a highly knowledge- and information-intensive activity.*



# Some Observations About Healthcare and Health Privacy Breaches

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- Safeguarding personal health information is a fundamental health care duty that is overwhelmingly supported by health care workers
- Since the HIPAA regulations became effective, the number of health privacy breaches has markedly increased and continue to occur
- HITECH promises to make healthcare privacy and security compliance more challenging; whether it will be more effective in preventing breaches remains to be seen
- Privacy breaches have affected many leading health care organizations that have made major commitments to be HIPAA compliant

# Selected Health Care Organizations Affected By Privacy Breaches

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- Kaiser Permanente
- Baylor Health Care System
- UCSF Medical Center
- Johns Hopkins Hospital
- University of North Carolina Health Care System
- Blue Cross Blue Shield of Massachusetts
- New York-Presbyterian Hospital
- Aetna
- WellPoint
- University of Utah Medical Center
- UCLA Medical Center
- Humana Medicare
- United Healthcare

# Some Observations About Healthcare and Health Privacy Breaches

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- While the increased occurrence of privacy breaches directly correlates with the increased use and greater capacity of health IT, there is no simple explanation for why they occur
- Increased use of health IT is a national priority that is being aggressively pushed on many fronts
- Until recently there was no apparent national strategy for implementing HIT
- Frustration about the problem is rising



# Some Observations About Healthcare and Health Privacy Breaches

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- The confluence of multiple forces will transform healthcare in the next 10-20 years; the effect of healthcare reform legislation on this transformation is presently indeterminate
- Many of the challenges to protecting healthcare privacy have also confounded efforts to improve health care quality, patient safety and other areas
- There appear to be strategic weaknesses in the approach to ensuring healthcare privacy and security

# Apparent Weaknesses in the Approach to Protecting Health Privacy

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- Largely based on regulatory compliance
- Insufficient attention to understanding the complex interplay of cultural, structural and operational root causes of privacy breaches
- No overarching strategy for developing the basic infrastructure and integrated organizational capabilities needed to prevent privacy breaches
- Insufficient involvement of clinicians and researchers in program and policy development

# Apparent Weaknesses in the Approach to Protecting Health Privacy

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- Poorly understood or insufficient processes for balancing competing needs and priorities
- Variable understanding that healthcare operates as a complex adaptive system in accordance with the rules of complexity theory

# Some Potentially Problematic Characteristics of Health Care Culture

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- Still a “cottage” industry of largely independent and unconnected practitioners
- Noncompliance with rules and processes that do not add value to patient care is generally admired and often rewarded
- Individualism and customization highly valued
- Disdain for government or corporate intrusion into the processes of care
- Focus has always been on the individual patient instead of the organization, system or population
- Lack of systems thinking

# Some Potentially Problematic Characteristics of Health Care Culture

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- Guidance typically sought from local peer leaders (“clinical champions”)
- Separation of clinical and administrative activities
- Increased specialization has led to marked fragmentation of care

# Some Organizational Capacity Problems

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- Highly variable knowledge base about the problem
- Basic IT safeguards (e.g., data encryption) are not consistently used or their importance understood
- Privacy protection policies and procedures often are neither standardized nor evidence-based and may be cumbersome, poorly communicated and perceived to impede the “core business”
- Lack of current and comprehensive inventories of where personal health information resides within an organization
- Few clinical champions for privacy protection

Achieving the desired level of health information privacy protection will require a more holistic approach than has been utilized to date.

# A Holistic Approach to Preventing Health Privacy Breaches

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- Is rooted in an understanding of the ethical imperative to safeguard personal health information that is integral to day-to-day work instead of being a 'program'
- Prioritizes proactive prevention instead of reactive compliance (compliance-based strategies are inherently reactive and, thus, always changing and 'behind the curve')
- Includes extensive caregiver involvement in policy and procedure development
- Is attuned to culture and context



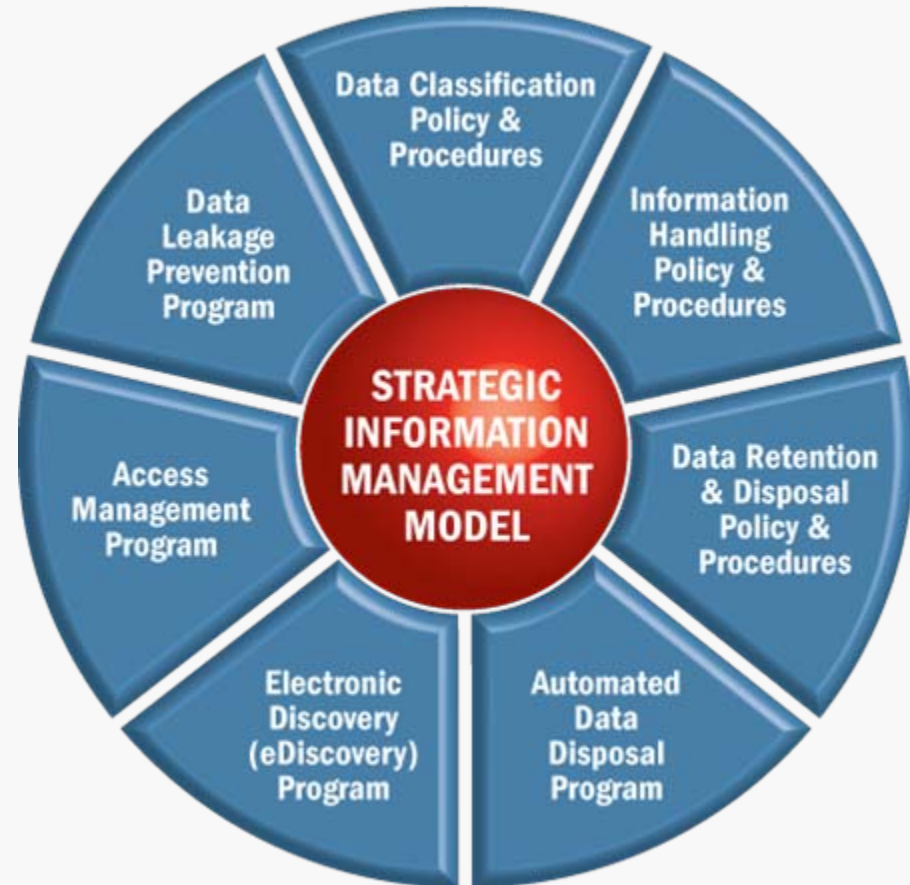
# A Holistic Approach to Preventing Health Privacy Breaches

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- Is rooted in an overarching strategy for safeguarding health information that is grounded on shared values and aimed at achieving broad objectives that include the ability to:
  - ✓ develop and scale organizational capacity
  - ✓ assess organizational readiness
  - ✓ continuously improve policies and procedures
  - ✓ balance competing priorities and social needs
  - ✓ comply with regulatory requirements
  - ✓ actively manage knowledge

# A Holistic Approach to Preventing Health Privacy Breaches

- Utilizes a strategic information management model
- Conducts *failure mode and effects analyses*
- Continuously reviews and updates policies and procedures
- Routinely performs contingency readiness assessments



A holistic approach to preventing health privacy breaches recognizes that today's health IT applications represent only the beginning of a sea change in healthcare.

## For more information.....

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**QUESTIONS ?**