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

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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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3
Presentation Overview

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-intense activity.
Some Observations About Healthcare and Health Privacy Breaches

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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?