

# ***THIRD NATIONAL HIPAA SUMMIT***

## ***PENNSYLVANIA'S RESPONSE TO HIPAA***

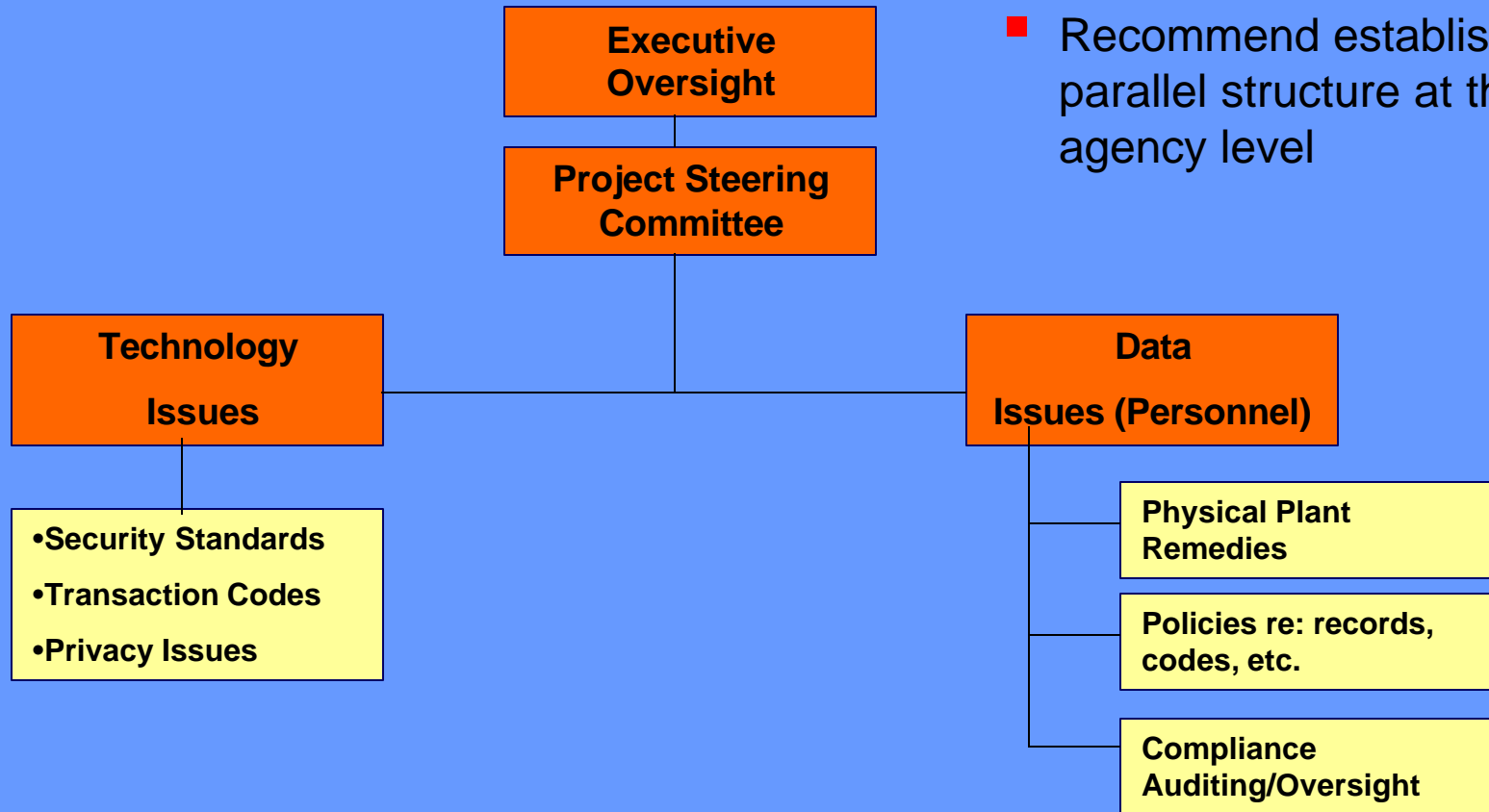
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# Two Part Process:

- ◆ Gap Assessment
  
- ◆ Legal Analysis
  1. Covered Entity
  2. Preemption
  3. Contracts/Grants
  4. Consents, Notices and Authorizations
  5. Minimum Necessary Standard

# GAP Assessment

## What Did We Do?



**BMC – Contract Management/Steering Committee Facilitation**

**OGC – Legal Oversight and Review**

**GPO – Assist with monitoring and oversight/Info conduit**

# GAP Assessment

## What Did We Do?

- ◆ RFQ/ITQ Selection Process
- ◆ Ernst & Young selected – July 6, 2001
- ◆ Project Start Date – July 19, 2001
- ◆ Primary Product Delivery – October 12, 2001
- ◆ Ernst & Young: Presentation; Project Clean-up Completion – October 26, 2001

# GAP Assessment

## What Did We Do?

- ◆ Risk Rating Assignments by Agency and by Bureau
- ◆ Survey Distribution
- ◆ Survey – Initial Analysis
- ◆ Detail Interviews/Analysis
  - ❖ At the Agency, Office, and Bureau levels
  - ❖ Security Testing
  - ❖ HR conducted at the OA level with a field sample

# GAP Assessment

## What Did We Do?

- ◆ Identification & Validation
  - A. High Risk/High Profile
  - B. HIPAA Impact (not high risk)
  - C. No HIPAA Impact
- ◆ Gap Analysis: Recommendations, Implementation Guides, and Compliance Knowledge Repository (CKR)
- ◆ Cost Modeling

# GAP Assessment

## Ranking Of Agencies

- ◆ **High Risk/High Profile**

- ✓ DMVA

- ✓ DOH

- ✓ DPW

# GAP Assessment

## Ranking Of Agencies

### ◆ **Some HIPAA Impact /Issues**

#### ✓ **Clearly In – Lower Profile**

- ✓ Department of Corrections – CKR will be completed for privacy only
- ✓ Department of Insurance – CHIP, Special Funds, Rehabilitations
- ✓ Imagine PA – ONLY for TCI & the potential use of identifiers (\*no direct enrollment to payer – send only to PEBTF)
- ✓ Department of Aging – PACE; contracts, allocations, grants

#### ✓ **Clearly In – Lower Profile – Group Health Plan Issues Only**

- ✓ PA State Police – Self-funded group health plan
- ✓ SSHE – Self-funded pharmacy plan
- ✓ PA Turnpike Commission – Self-funded health & pharmacy plan
- ✓ PSERS (not impacted at this time, will be impacted next year when the self-funded major medical program begins)



# WHO'S WHO

## ◆ No HIPAA Impact at this time

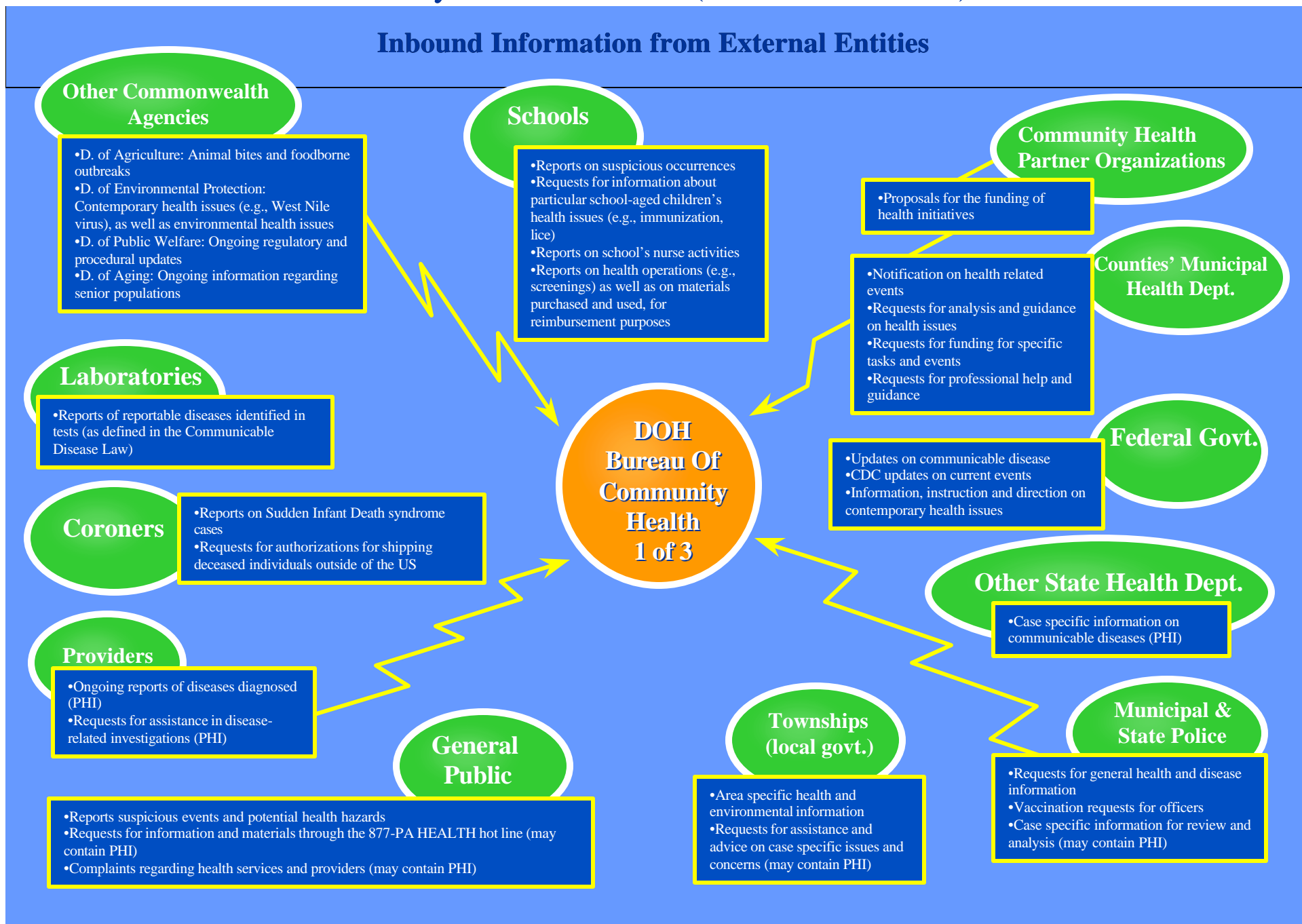
- ✓ Education
- ✓ PennDOT
- ✓ Department of State
- ✓ DGS
- ✓ DCNR
- ✓ Agriculture
- ✓ DCED
- ✓ Revenue
- ✓ PennVest
- ✓ CAT Fund
- ✓ Probation & Parole
- ✓ SERS
- ✓ PEMA
- ✓ DEP
- ✓ PCCD
- ✓ L&I

## Outstanding Issue:

Treasury – Data and analysis from the assessment leads to the potential of Protect Health Information being used or disclosed by Treasury. However, Treasury does not want to participate based on their own analysis.

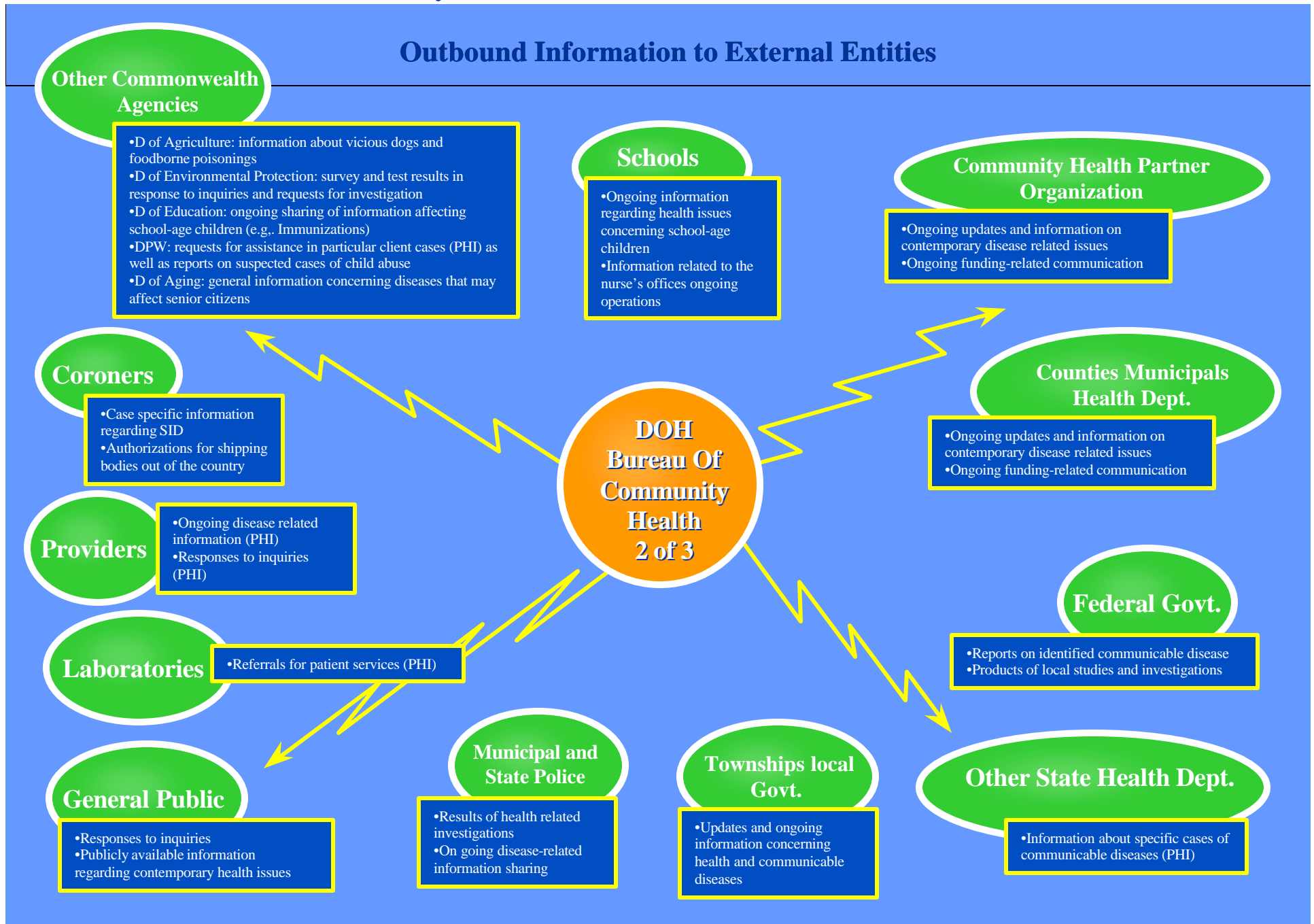
# Privacy Context Matrix (Information Flow)

## Inbound Information from External Entities

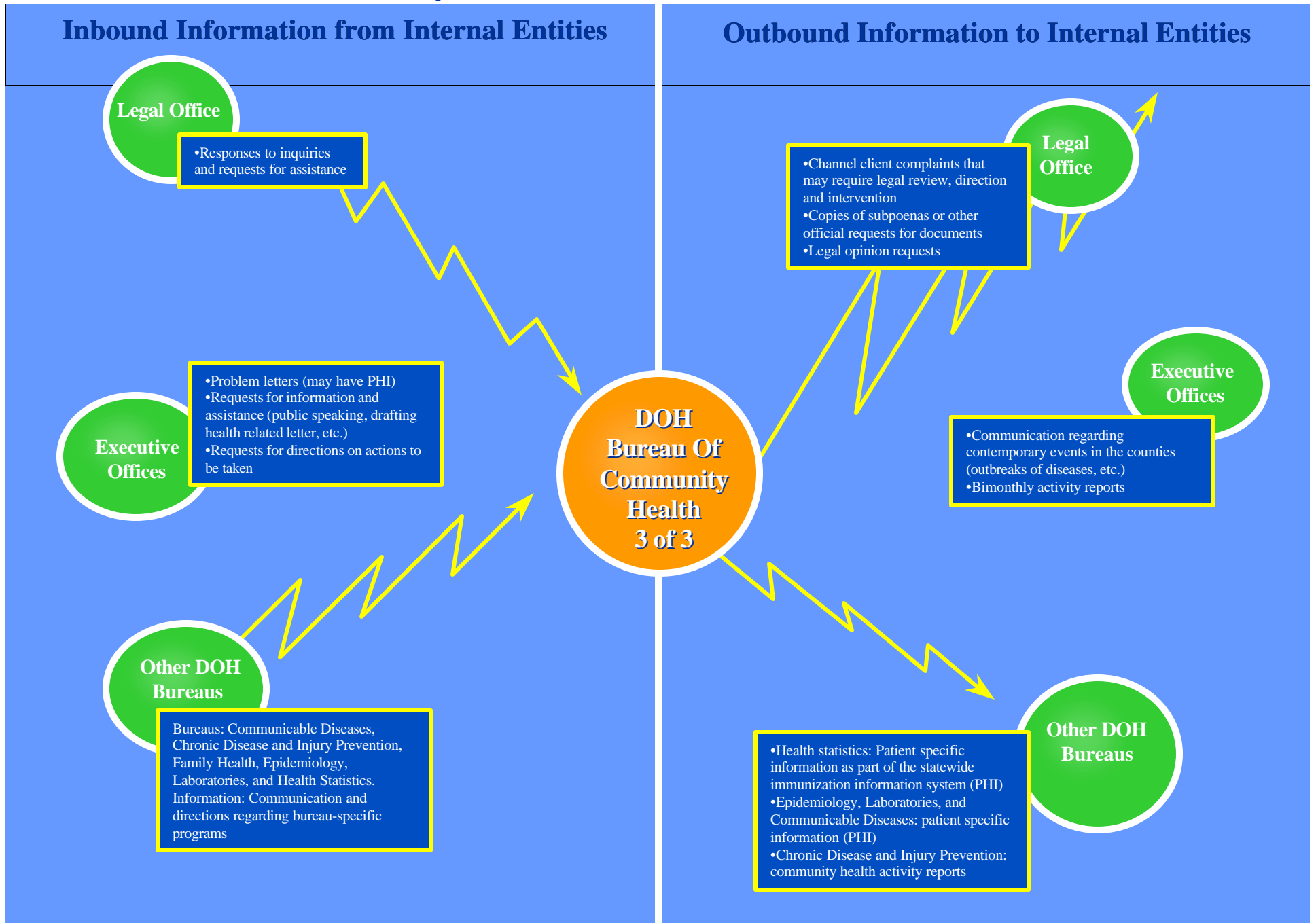


# Privacy Context Matrix (Information Flow)

## Outbound Information to External Entities

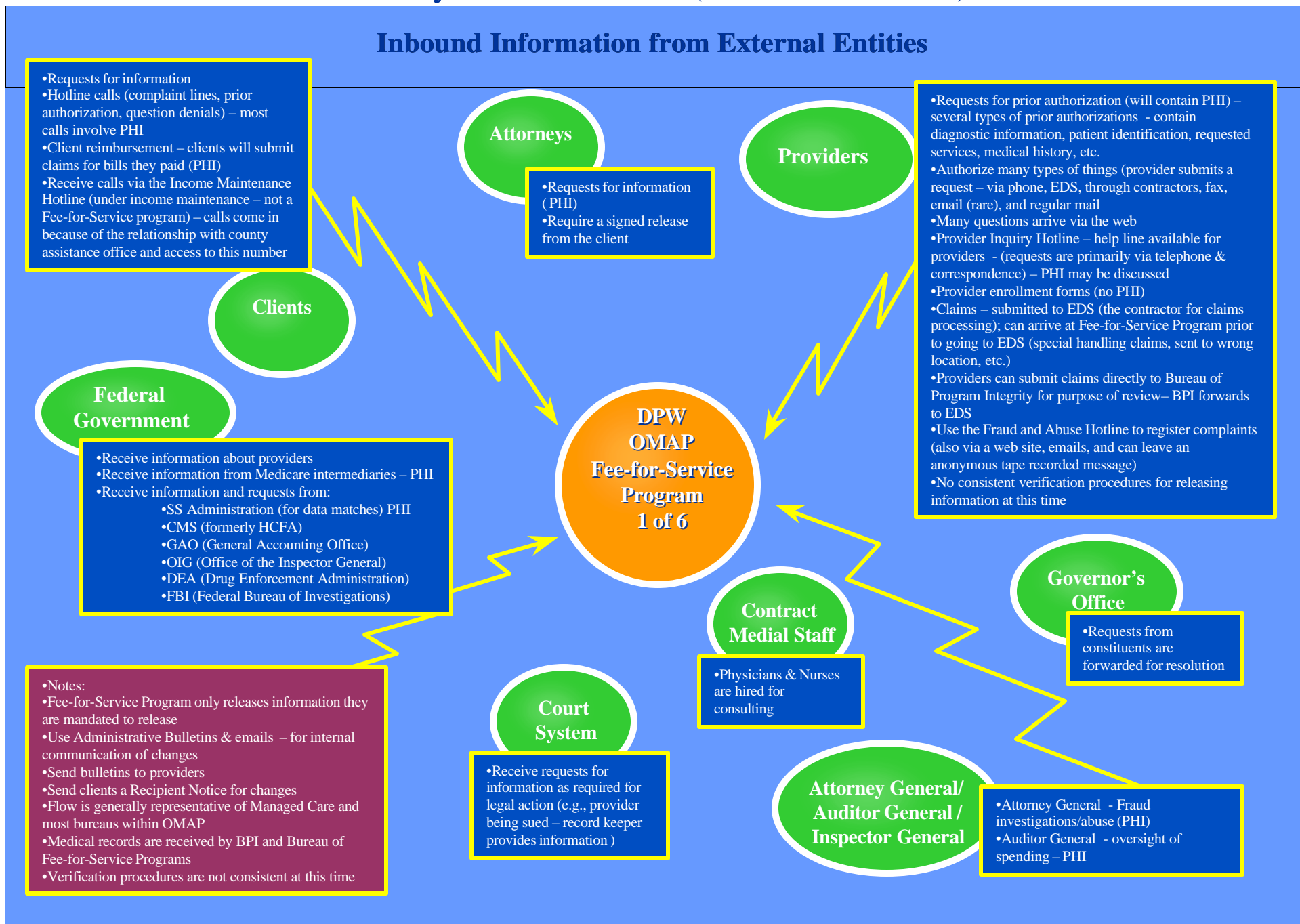


# Privacy Context Matrix (Information Flow)



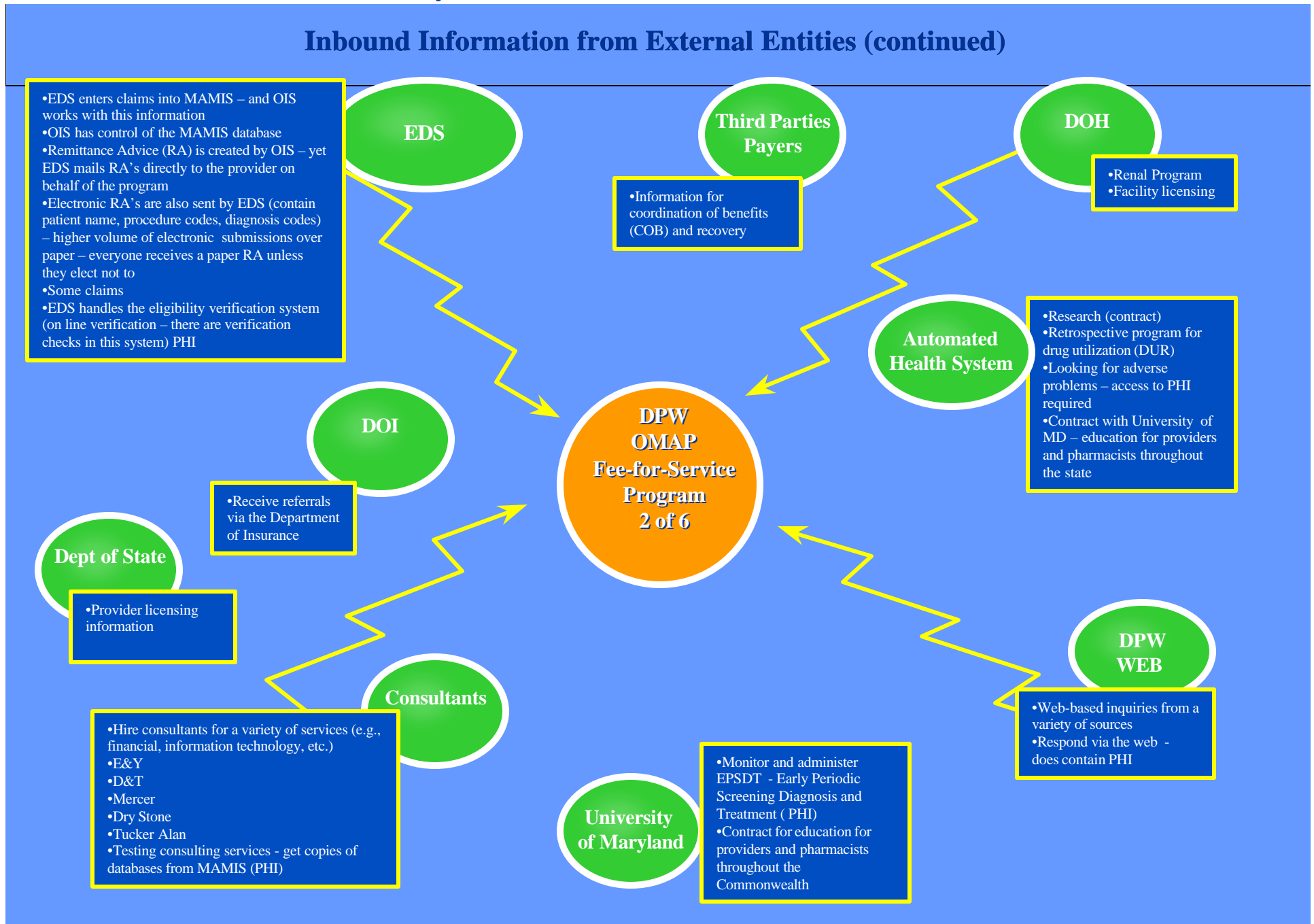
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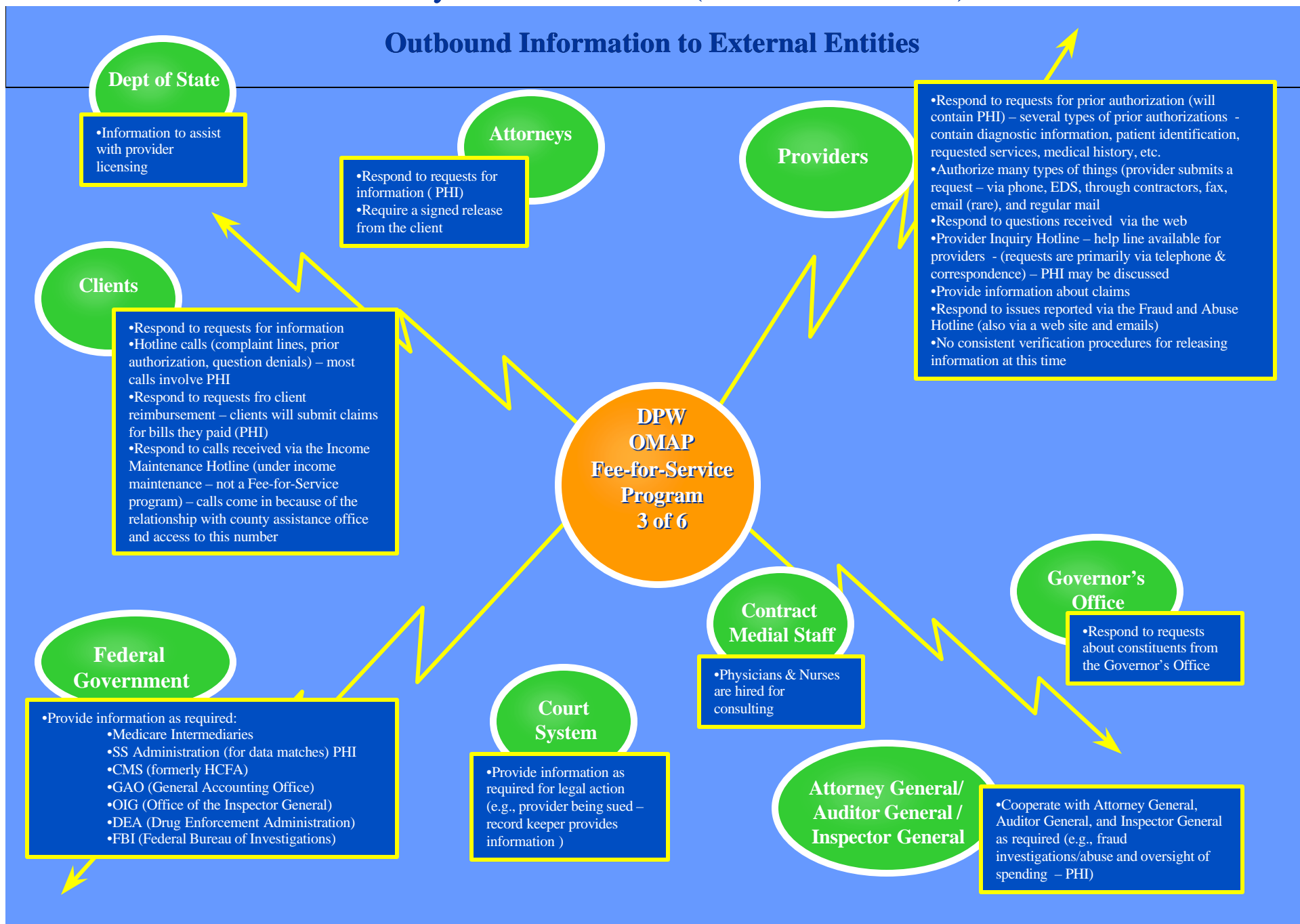
# Privacy Context Matrix (Information Flow)

## Inbound Information from External Entities (continued)



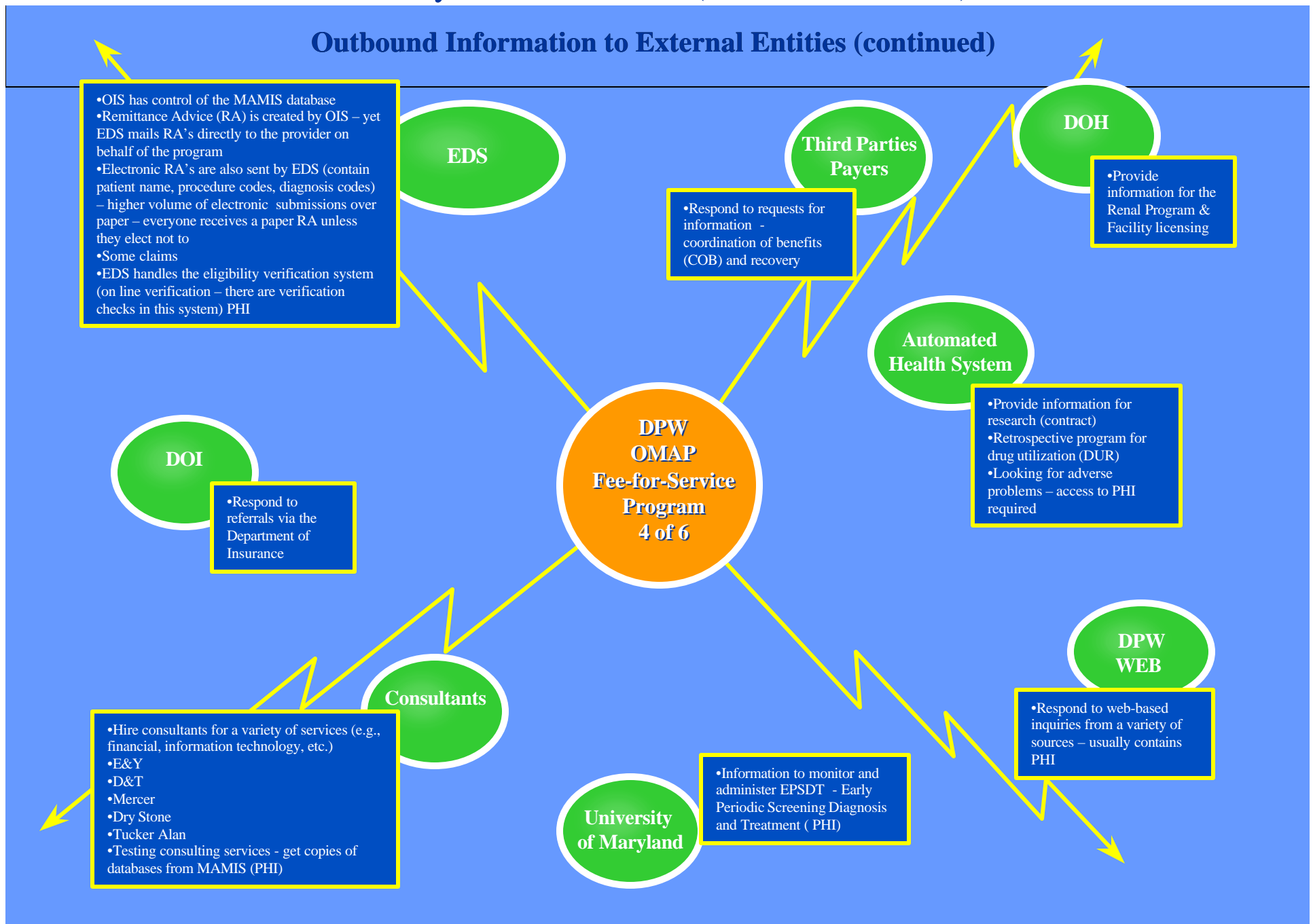
# Privacy Context Matrix (Information Flow)

## Outbound Information to External Entities



# Privacy Context Matrix (Information Flow)

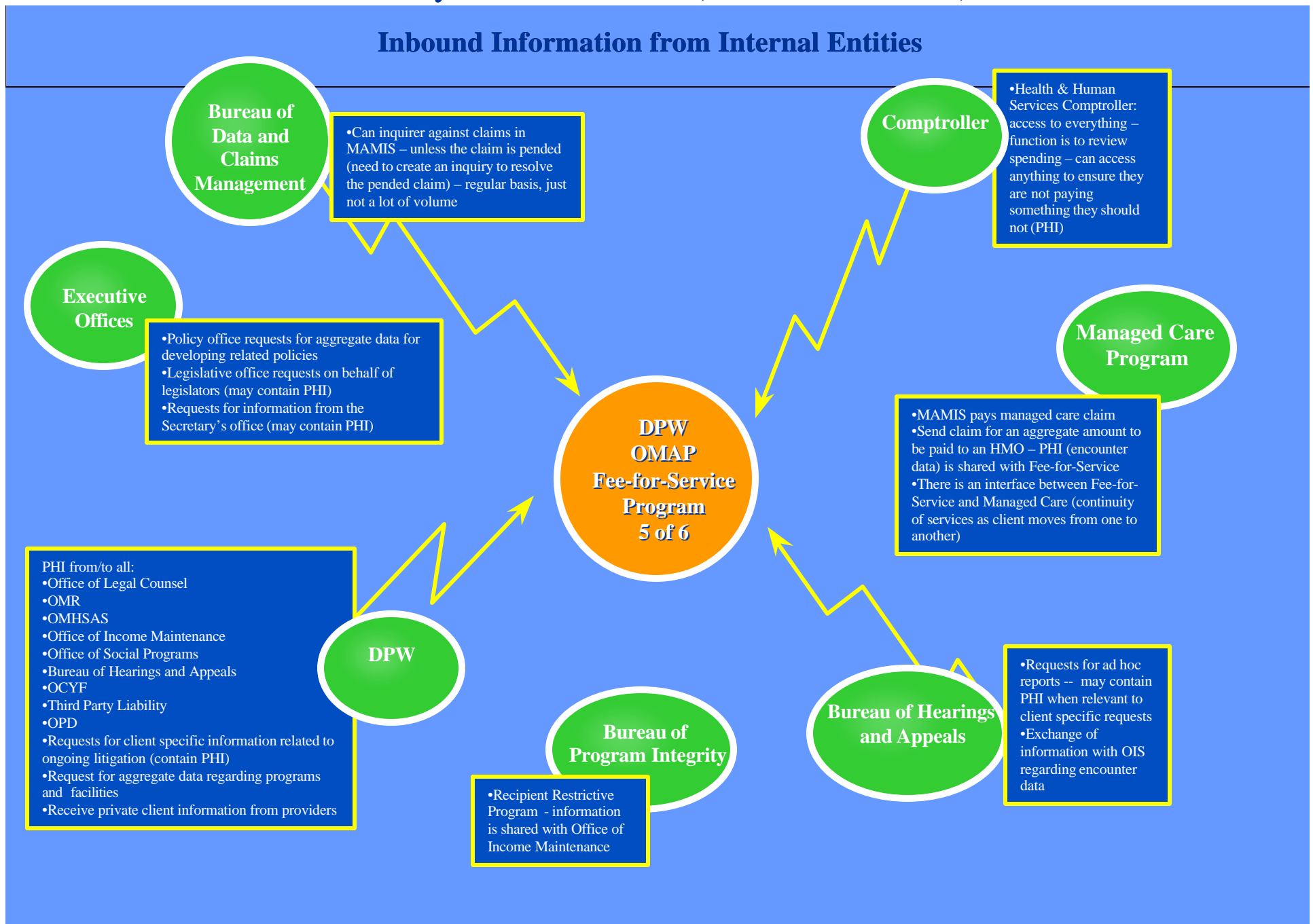
## Outbound Information to External Entities (continued)





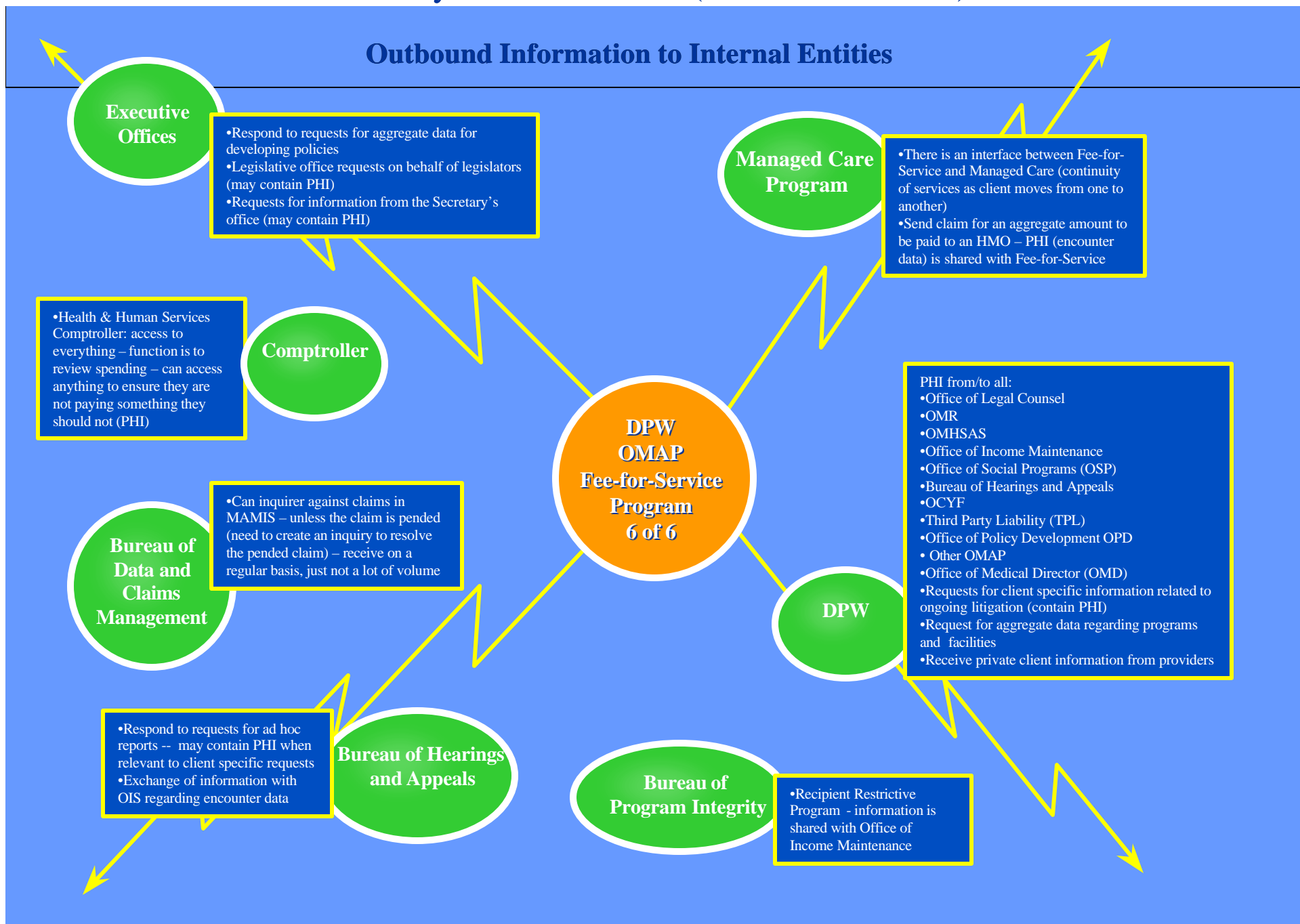
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## Inbound Information from Internal Entities



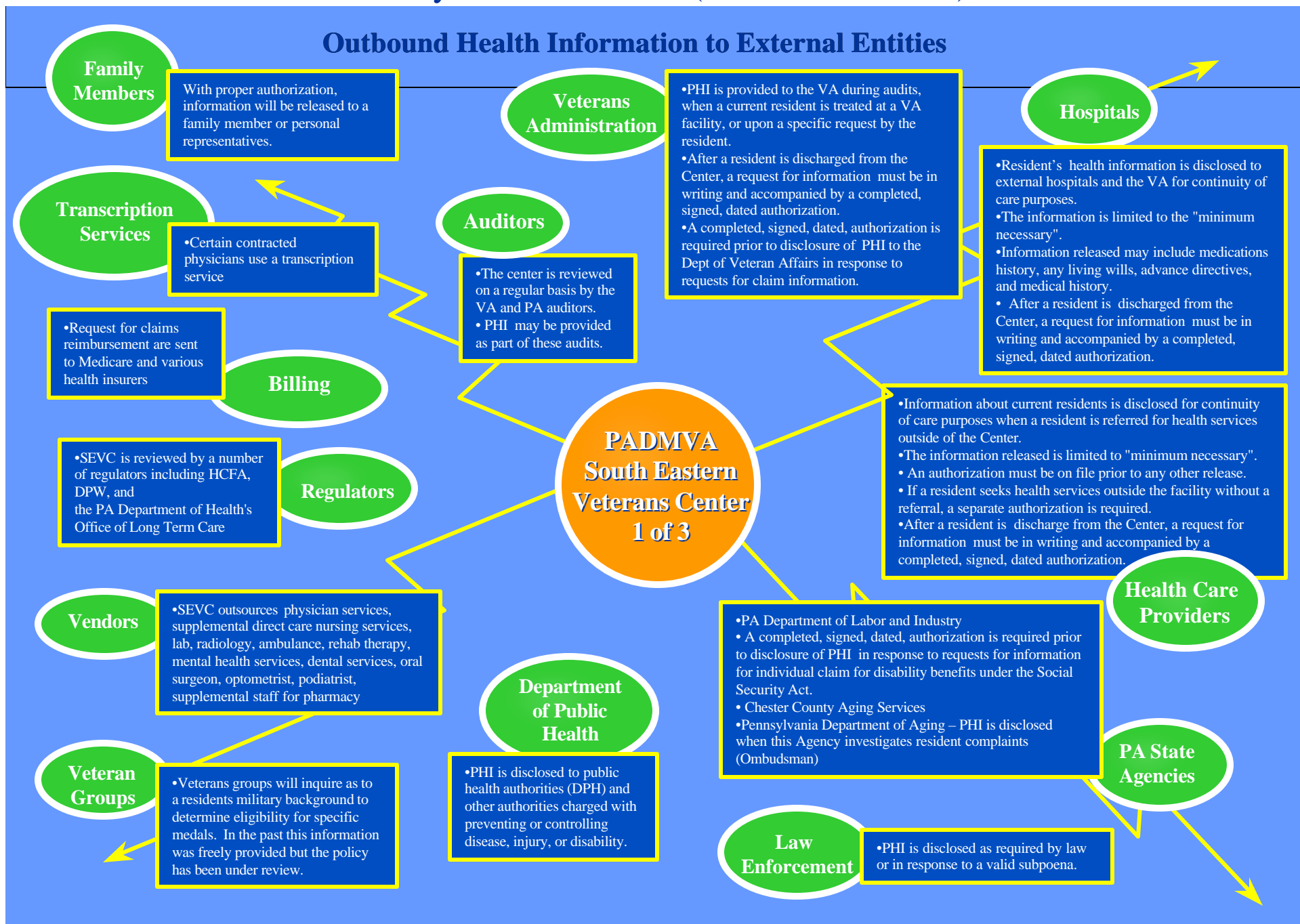
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## Outbound Information to Internal Entities



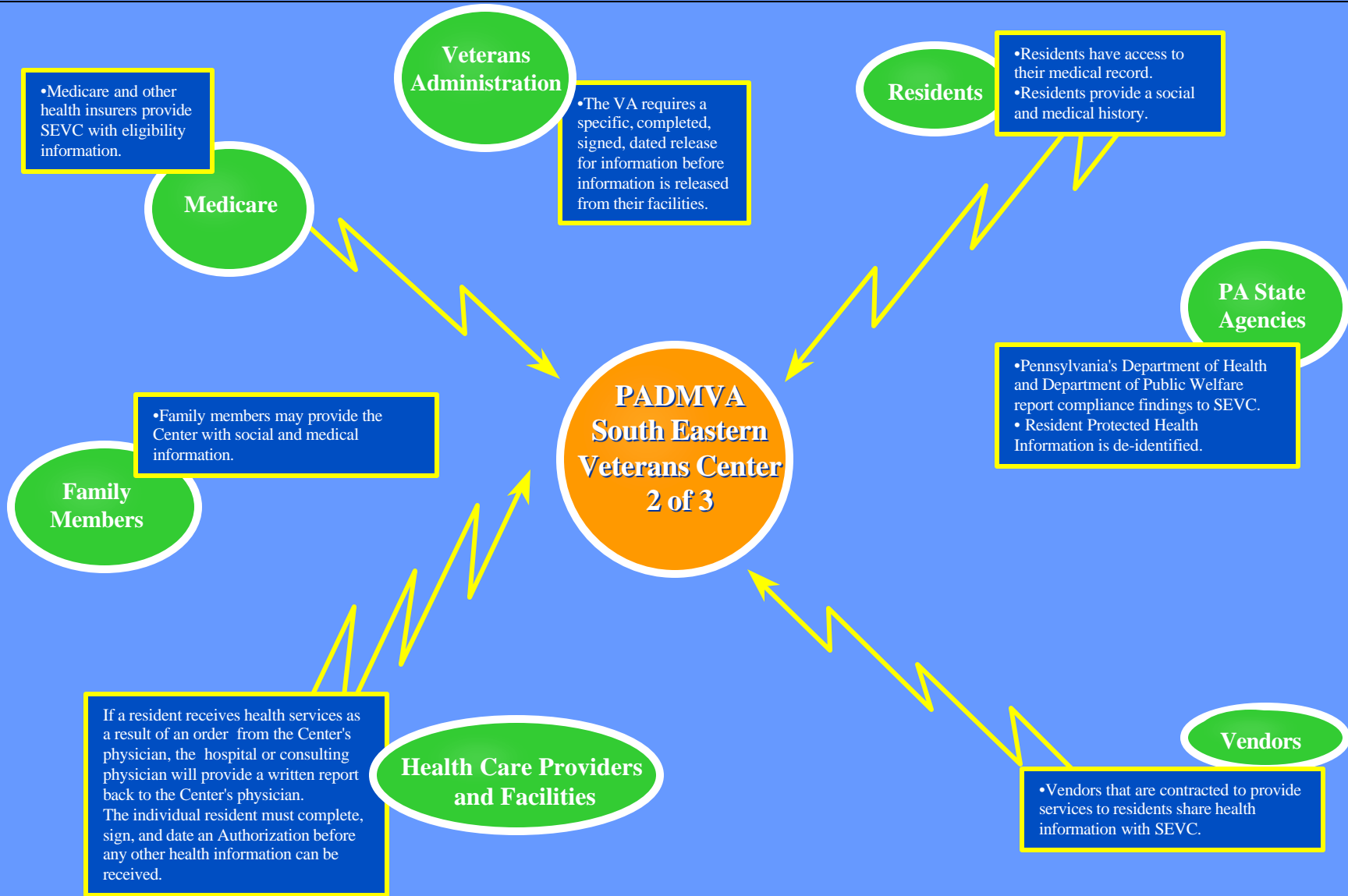
# Privacy Context Matrix (Information Flow)

## Outbound Health Information to External Entities

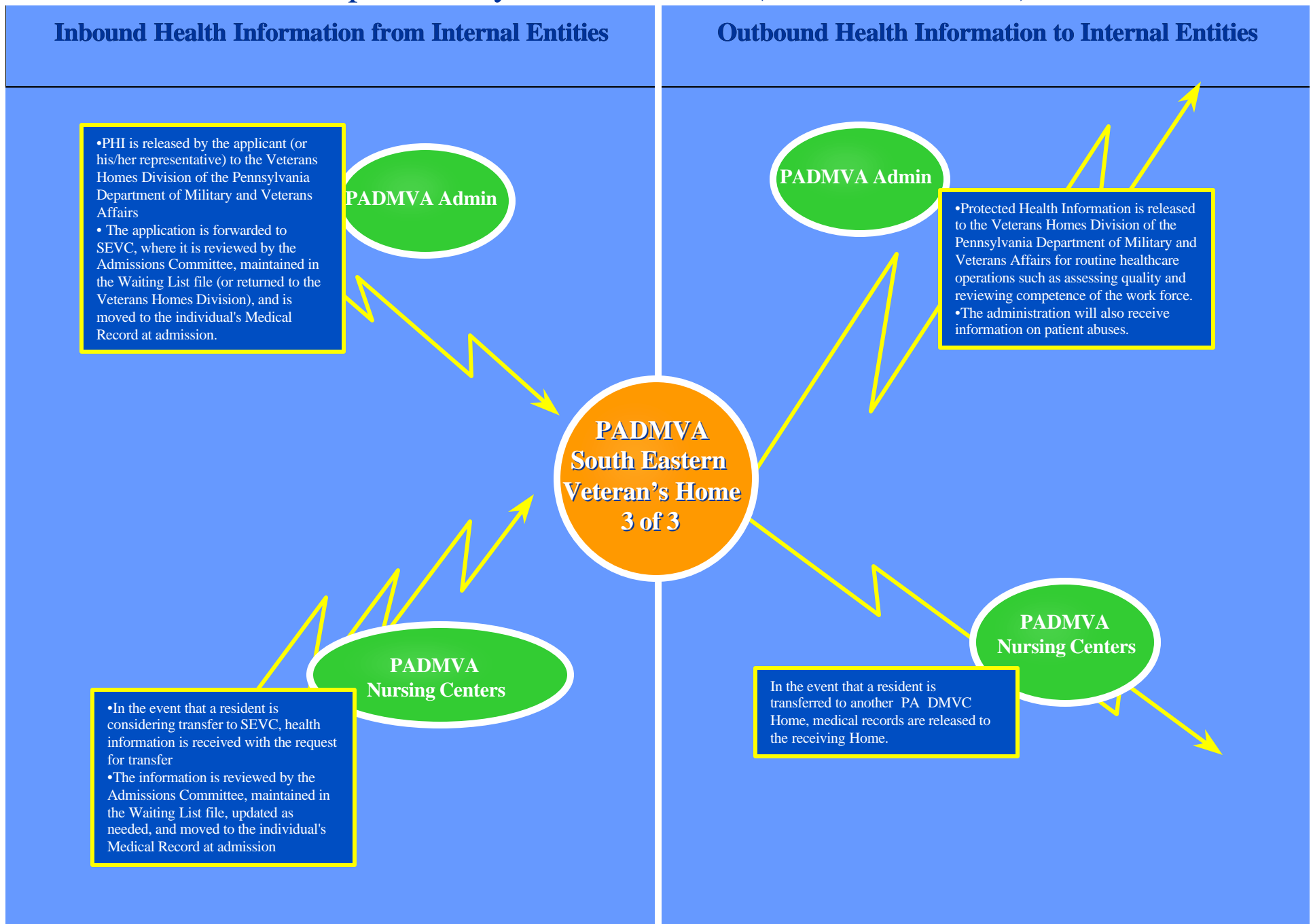


# Privacy Context Matrix (Information Flow)

## Inbound Health Information from External Entities



# Sample Privacy Context Matrix (Information Flow)



# Privacy Issues

- ◆ Related to but not the same as Gap Assessment
- ◆ Is the Regulation valid given underestimation of costs?
- ◆ Authority of Secretary of HHS to opine on state laws?
- ◆ Is the Commonwealth as a whole an affiliated or hybrid entity?
- ◆ Worker's compensation is out, or is it?
- ◆ Drug and alcohol confidentiality rules?
- ◆ Corrections: rights of prisoners upon release retroactive?
- ◆ Information sharing under union affiliated employee benefit plans?