

# Central HIPAA Coordination Project

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**New York State  
Office for Technology**

**Cindy Beighey  
John Cody  
Anne Marie Rainville**



# What we plan to cover:

- ❖ How we got started
- ❖ How we're organized
- ❖ Goals of the project
- ❖ Challenges we've faced
- ❖ How we function
- ❖ Accomplishments we've made

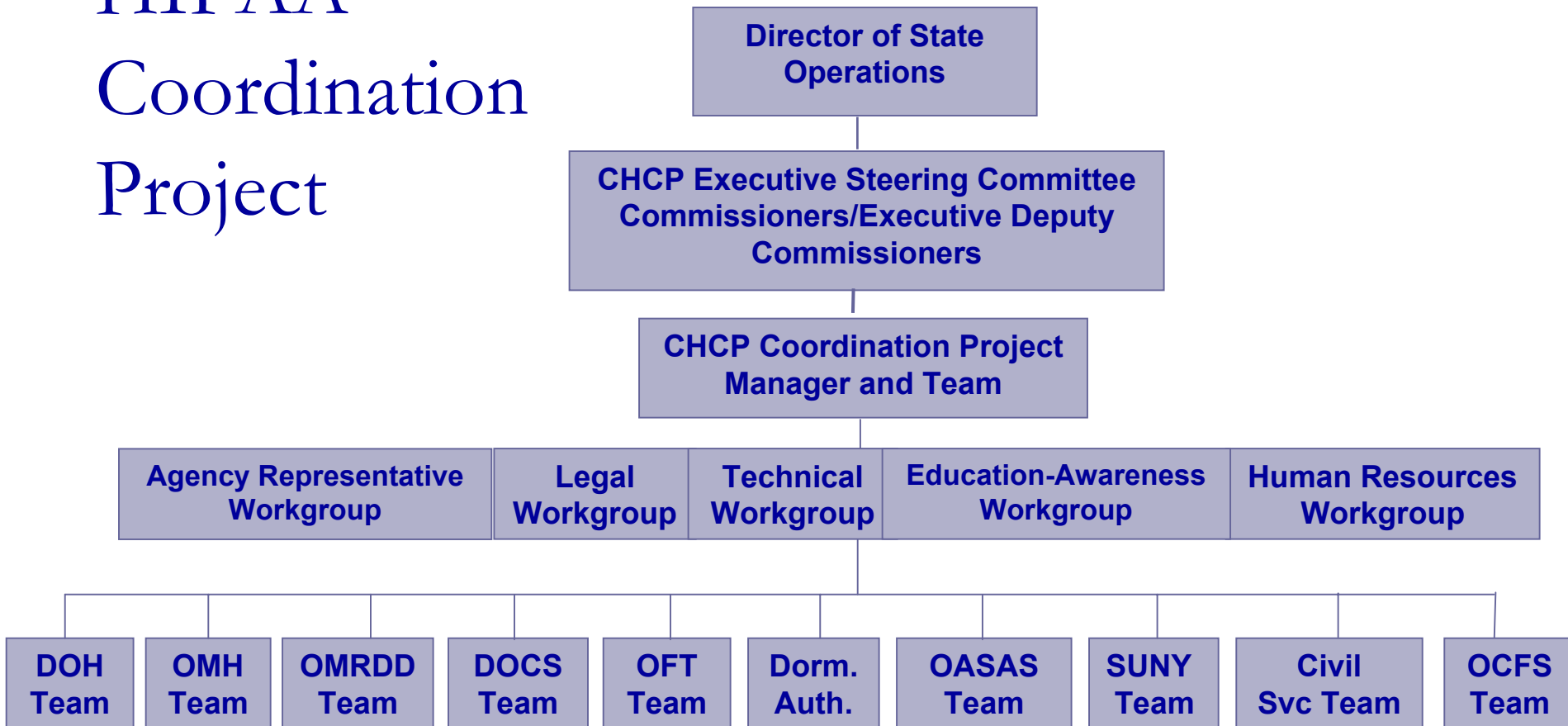


# How we got started

- ❖ Office for Technology – agency charged with setting statewide policy on Information Technology
- ❖ Pressure from different State Agencies
- ❖ High-level meetings with Governor's Staff
- ❖ Successful collaboration model



# Central HIPAA Coordination Project



# Project Goals:

- ❖ Assure NYS' best efforts to comply with HIPAA
- ❖ Raise awareness of the impact
- ❖ Develop contacts and coordinate with other HIPAA efforts
- ❖ Identify, address multi-agency or statewide concerns
- ❖ Facilitate completion of a privacy preemption



# Challenges we've faced

- ❖ Federal mandate
- ❖ Extremely complex and comprehensive
- ❖ Changing deadlines
- ❖ Unplanned disaster – diversion of resources
- ❖ Loss in funding
  - **For CHCP**
  - **For Sister Agencies**



"Hard work spotlights the character of people: some turn up their sleeves, some turn up their noses, and some don't turn up at all."

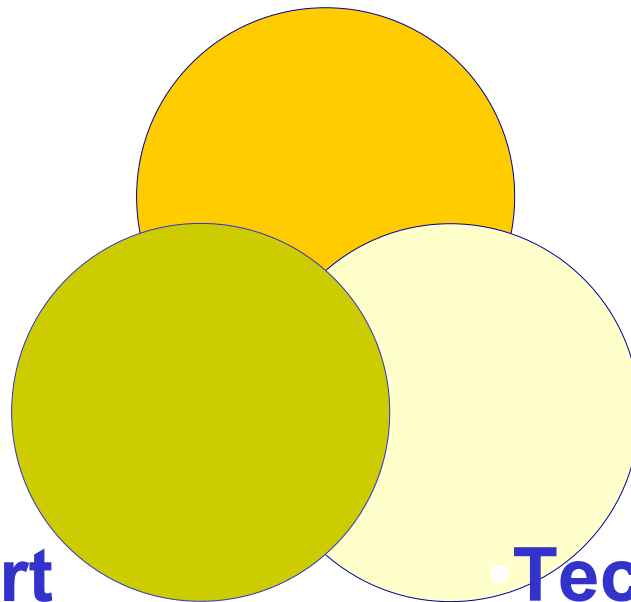
*-Sam Ewig*



# Our Project Team

**Project Manager**

**Agency  
Representatives,  
Education and  
Awareness  
workgroups,  
directs project  
plan and office**



**Legal Expert**

**Legal, Human  
Resources workgroups,  
legal interpretations**

**Technology Expert**

**Technical workgroup,  
technology needs of  
project**



# CHC Project Office Progress and Work Products

Assure NYS' best efforts to comply with HIPAA

- ❖ Manual mechanism to track agency compliance progress
- ❖ Due Diligence Log
- ❖ IV&V proposal



# CHC Project Office Progress and Work Products

Raise awareness of the impact

- ❖ Notices to Agency Executives from CIO and Director of State Operations- HIPAA Applicability Evaluation Tool
- ❖ Numerous presentations to professional organizations and local governments
- ❖ Quarterly high level meetings with Agency Executives and Governor's representatives to report Agency progress
- ❖ Public website updates



# CHC Project Office Progress and Work Products

Develop contacts and coordinate with other HIPAA efforts

- ❖ Summary APD information for Federal reimbursement
- ❖ Frequent participation with Regional Coalitions
- ❖ HIPAAGives participation and conference calls



# CHC Project Office Progress and Work Products

Identify, address multi-agency or statewide concerns

- ❖ HIPAA Co-op to enable tool sharing and forum for questions
- ❖ Documented monthly workgroup meetings
- ❖ Routine communication regarding Federal and legal activity
- ❖ Statewide commentary on regulatory activity
- ❖ Successful grant application for elearning



# CHC Project Office Progress and Work Products

Facilitate completion of a privacy preemption

- ❖ Template for preemption review
- ❖ Review of “other” state laws
- ❖ Draft list of documentation required by Privacy Regulations



# Agency Representatives Workgroup

- ❖ communicating Agency Progress and multi-agency concerns,
- ❖ developing and implementing HIPAA implementation plan,
- ❖ ensuring Agency participation in workgroups and progress toward compliance,
- ❖ communicating back to the Agency appropriately,
- ❖ taking appropriate action,
- ❖ providing advice and feedback,
- ❖ motivating Agencies to meet deadlines,
- ❖ implementing agency compliance program,
- ❖ documenting agency compliance.



# Education and Awareness Workgroup

- ❖ **Communicating agency progress, raising multi-agency concerns,**
- ❖ **Developing education and outreach plans,**
- ❖ **Regular participation,**
- ❖ **Identifying/developing training tools to share,**
- ❖ **Identifying cost effective means of delivering information,**
- ❖ **Communicating back to the agency and taking action,**
- ❖ **Providing advice and feedback to the CHCP Team,**
- ❖ **Promoting activities at their Agencies and documenting agency efforts.**



# Education and Awareness Work Products

Completed:

- ❖ Matrix for organizing training requirements
- ❖ Statewide Videoconference – first level of training
- ❖ Brochure
- ❖ Security Tips
- ❖ Virus Protection Tips



# Education and Awareness Work Products

Underway:

- ❖ Online training course

New suggestions:

- ❖ Outreach program for local governments
- ❖ Toolkit for localities



# Legal Workgroup

Develop and share HIPAA expertise:

- ❖ Attorneys in impacted State agencies needed to become conversant in EDI, computer security, health care privacy, and in the relevant standards for healthcare transactions and code sets to the extent possible and necessary.



# Legal Workgroup

Develop baseline NYS HIPAA-required documents, including:

- ❖ notice of privacy practices;
- ❖ patient authorization form;
- ❖ business associate, chain of trust, and trading partner agreements; and
- ❖ collaborate on the crafting of HIPAA-reflective privacy and security policies and procedures.



# Legal Workgroup

Perform ongoing legal research, evaluation, interpretation, and analysis, including:

- ❖ tracking of and reporting on HIPAA legislative and case law developments;
- ❖ development of NYS commentary on HIPAA regulatory changes; and
- ❖ evaluation of HIPAA definitions and requirements to ensure a consensus on compliance approach.



# Legal Workgroup

Develop comprehensive and documented preemption analyses\* to determine “state laws” affected by HIPAA:

- ❖ focusing on *all* New York “state laws”, not just narrow subsets like other analyses we are aware of;
- ❖ recognizing that Privacy is not the only HIPAA standard which requires a preemption analysis;
- ❖ clarifying that a NYS preemption analysis neither has the force of law nor will it constitute a final, formal opinion of any participating agency, merely a descriptive starting point for understanding HIPAA’s practical application; and
- ❖ seeking consensus with other parties on preemption questions.



# Legal Workgroup

Work to develop a consensus approach and understanding of HIPAA's most difficult questions, esp. in relation to health care privacy. Examples of “bridges crossed”:

- ❖ “Covered entities”: Analyze at the statewide-level? Agency level? Departmental level? What is the “single legal entity” which cannot be differentiated into smaller “single legal entities”?
- ❖ Chain of trust, and trading partner agreements: how do these differ from business associate agreements?
- ❖ Who are the “personal representatives” with a right to a decedent's PHI?



# Legal Workgroup

More “bridges crossed” questions:

- ❖ What is the scope of the “conduit” exception to the definition of a “business associate”?
- ❖ IHI can be “de-identified”. Can IHI be “de-healed”?
- ❖ Are faxes “electronic transactions” under HIPAA?
- ❖ Are correctional facilities exempted from HIPAA’s requirements?



# Legal Workgroup

And still more “bridges crossed” questions:

- ❖ Does HIPAA cover Employee Assistance Programs? Occupational Health Services?;
- ❖ What is the scope of the phrase “assessment” when it is used in the Privacy Regulation definition of health care?; and
- ❖ What is the scope of the “government funded” exception to the HIPAA definition of a “health plan”?



# Legal Workgroup

## Status report:

- ❖ Preliminary agreement that the Business Associate contract language suggested in Preamble is sufficient baseline BAC language for New York State;
- ❖ Draft HIPAA documents – NOPPs; patient authorization forms – in draft and under final review;
- ❖ Draft preemption analysis is largely complete and under final review; and
- ❖ Other helpful tools are also in development and largely completed (e.g. a table of when the Privacy Regulation mandates that documentation be created/maintained; a table of when the Privacy Regulation requires covered entities to maintain an accounting of disclosures).



# Human Resources Workgroup

Generally, facilitate collaboration by HIPAA-impacted State agencies, and consensus in support of GOER's and DCS's efforts to:

- ❖ **determine the HIPAA “covered entity” status of NYS government health plans;**
- ❖ **ensure that those health plans implement HIPAA-appropriate policies, procedures and documents;**
- ❖ **provide technical assistance to State agencies creating privacy official and security officer job titles;**
- ❖ **further State agencies' understanding of HIPAA's impact on their respective H-R functions...**



# Human Resources Workgroup

Consensus approach to HIPAA's employment-related questions. Examples of “bridges crossed” by the H-R Workgroup:

- ❖ Is the NYS Health Insurance Plan a single health plan, or one of several?;
- ❖ What is the HIPAA relationship of the NYS Health Insurance Council to NYSHIP? Roles of personnel offices, Health Benefits Administrators, etc. – are they Business Associates? Who is the plan sponsor?;
- ❖ Can a covered entity simultaneously be a non-covered employer?;
- ❖ What health information do NYS' personnel offices typically encounter?....



# Human Resources Workgroup

And further “bridges crossed” by the H-R Workgroup:

- ❖ Do the disciplinary sections of NYS’ existing union contracts sufficiently implement HIPAA’s workforce corrective action requirements?;
- ❖ How must NYS’ existing workforce training programs be revised to successfully implement HIPAA?; and
- ❖ Can efficiencies and consistency be achieved so that all State agencies, even those not now covered by HIPAA, are using consistent policies, procedures, forms etc?



# Human Resources Workgroup

## Status Report:

- ❖ DCS staffer specifically designated to assist Agencies with PO/SO job descriptions;
- ❖ DCS secured validation of its HIPAA conclusions from outside consultant;
- ❖ Workforce training has already begun, on several fronts
- ❖ DCS and GOER have started communications with State agencies specifically concerning HIPAA's requirements;
- ❖ Consultations with employee unions are underway.



# Technical Workgroup



- ❖ **Developing and implementing a plan to address technical issues,**
- ❖ **Identifying and developing work products to share,**
- ❖ **Sharing tools and information with other workgroup members,**
- ❖ **Communicating information back to the agency,**
- ❖ **Documenting agency efforts, and**
- ❖ **Identifying issues for statewide concern.**



# Technical Workgroup Initiatives



## EDI Workgroup

- ❖ Focus on issues to assist agencies and their affiliated providers with EDI solutions and information
- ❖ Investigated the Concept of a Statewide Clearinghouse
- ❖ Discuss methods of secure data transmission, including possible use of the NYeNet to send information

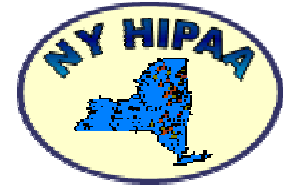
## Security Workgroup

- ❖ Review of Security Regulations to determine their impact on agencies
- ❖ Agencies will determine how they will address specific components and requirements of the regulations

- ❖ NYS Agency HIPAA Websites are comprehensive and coordinated
- ❖ Investigate solutions for tracking of disclosures



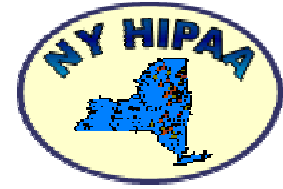
# HIPAA Co-op



- ❖ Tool for Agencies to share information and Documents
- ❖ Multi-Agency Application
- ❖ Secured using the NYS Directory Services (LDAP)
- ❖ Minimum System Requirements: Internet Browser, Security settings enable use of cookies and java script, and that your browser supports 128 Bit encryption.



# HIPAA Co-op Components



## ❖ Document Management System

- A repository/collection of documents that agencies can share via uploading and downloading.

## ❖ Message Board System

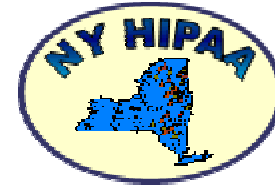
- Discussion list for each workgroup to post, view and thread messages.

## ❖ Workgroup Project Documentation

- Project Charters, Project Scope, Deliverables, Agencies Participating, Workgroup members and contact information.



# Co-op Components



## ❖ Workgroup “Corners”

- An area for each workgroup to share and coordinate its latest activities, information and happenings.

## ❖ Calendar

- A central repository of workgroup meeting dates, events and presentations.

## ❖ Agency Tracking (coming soon)

- An application where agencies can report their status electronically.



# HIPAA Co-op



*The Empire State*

James T. Dillon  
Chief Information Officer

Michael McCormack  
Director



**New York State**  
**Office for Technology**  
**Central HIPAA Coordination Project**

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Private Website

## HIPAA News & Information

**HIPAA Workgroup Summit:** All the members of the various HIPAA workgroups met on 9/19 for a joint session. The purpose of the session was to review what we've accomplished over the past year, discuss activities underway, and prioritize future activities. We will notify you when the documents from the Summit are available in the Library.

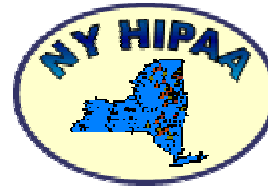
**Final Modifications to Privacy Rule:** On August 14th, 2002, the Department of Health and Human

## CHCP Project Office

The Central HIPAA Coordination Project (CHCP) Team within the Office For Technology (OFT) was established to coordinate New York State government's response to the 1996 HIPAA law (Public Law 104191). The primary purpose of the CHCP team is for OFT to work closely with representatives of State agencies affected by HIPAA and to develop a strategy and plan for addressing compliance and remediation issues. The project core team's responsibilities extend to coordinating and supporting compliance efforts



# CHCP Library



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## CHCP Library

**ADMIN FUNCTIONS**

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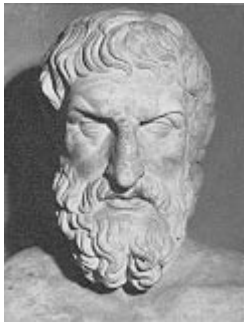
Type	Title	Description (size)	Date
	<a href="#">HIPAA Security Requirements Matrix</a>	HIPAA Security Requirements Matrix ( 268,800)	09/24/2002
	<a href="#">Connecticut RFP</a>	Connecticut RFP ( 213,731)	09/24/2002
	<a href="#">Agency Specs for Project Definition</a>	Agency Specs for Project Definition ( 29,184)	09/24/2002
	<a href="#">OMH Non-Disclosure</a>	OMH Non-Disclosure assessment form ( 23,439)	09/24/2002
	<a href="#">CA Assessment Document</a>	CA Assessment Document ( 179,200)	09/24/2002

Internet



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# Challenges lie ahead...



The greater the difficulty,  
the more the glory in  
surmounting it."

-*Epicurus*

(c. 341-271 BC)



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Check our website regularly...

[www.oft.state.ny.us](http://www.oft.state.ny.us)

and click on “HIPAA”



# Any Questions?

