

Presentation

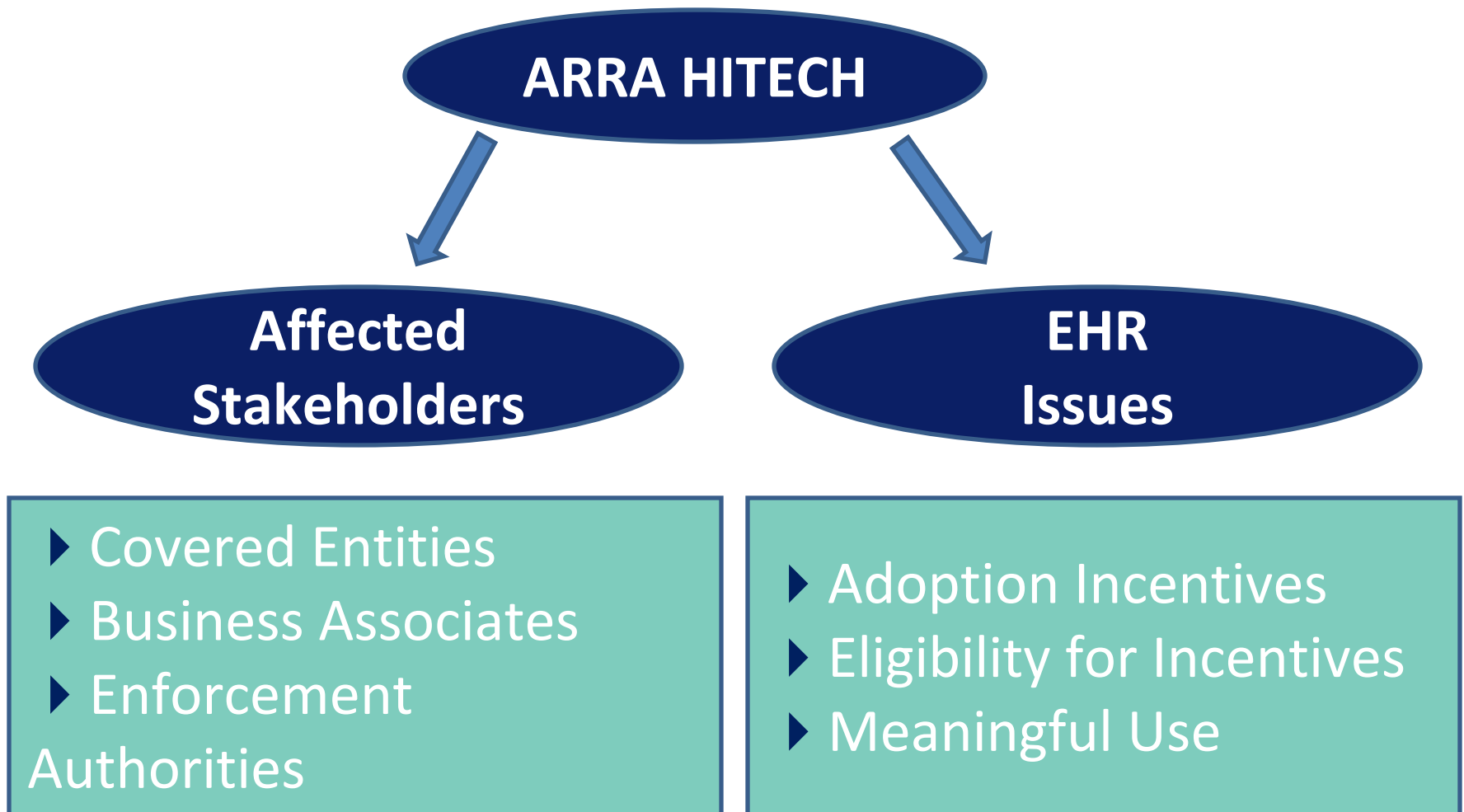
The Privacy and Security Meaningful Use Requirement: What Vendors and Purchasers Need to Know Now

San Francisco, CA
October 5, 2010

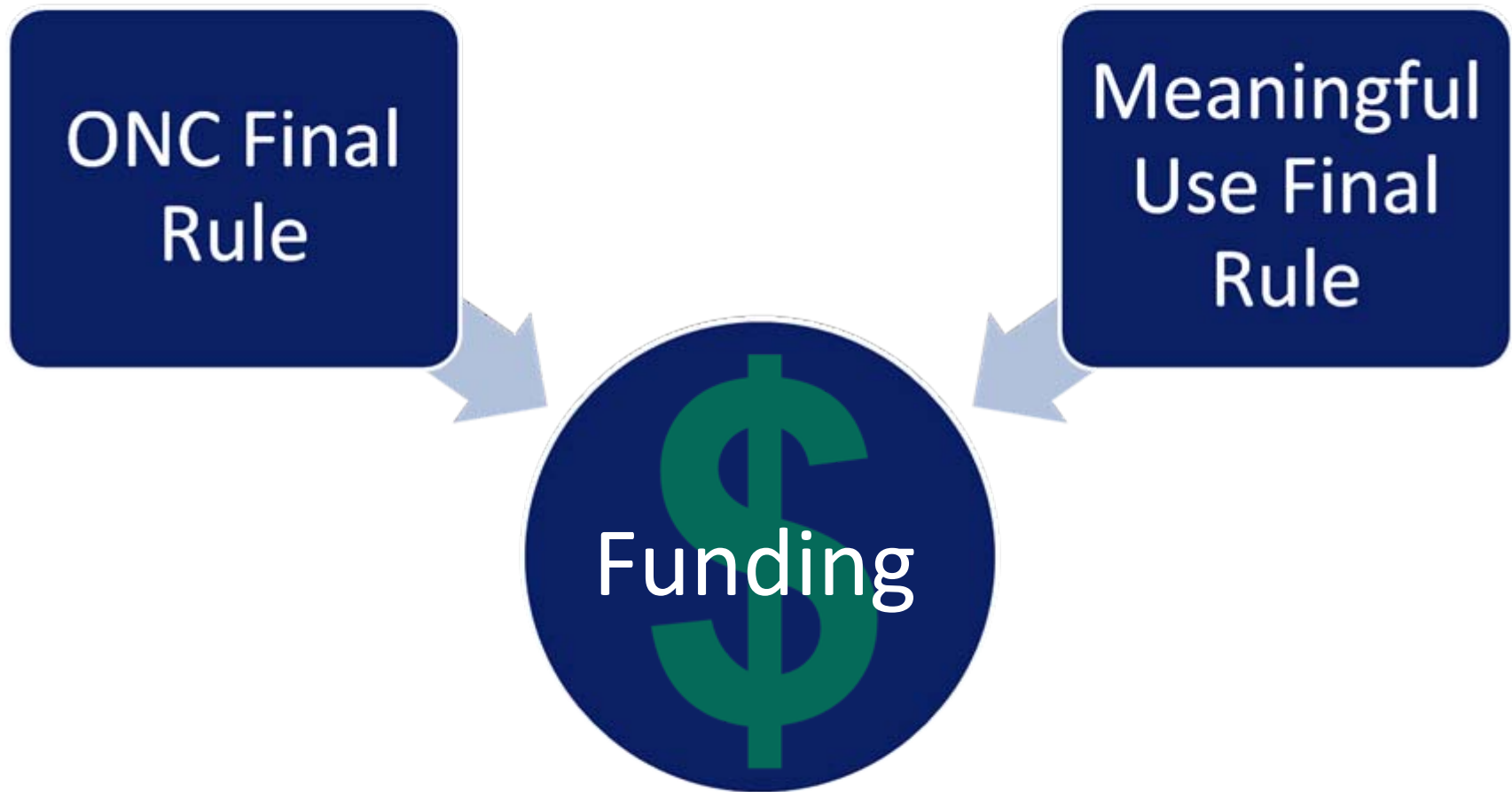
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The American Recovery and Reinvestment Act (ARRA), signed on February 17, 2009, had a variety of effects on healthcare initiatives, including providing incentives for adopting EHRs



ONC and CMS put forth the Meaningful Use Final Rule and the ONC Health IT Standards, Implementation Specifications and Certification Criteria Final Rule in July 2010



What is the significance of the Privacy and Security Meaningful Use criteria?

- ▶ Organizations will need to ensure they are consistent with these criteria if they wish to:

**Receive
Incentives**

**Conduct
Transactions**

**Validate
Protections**

- ▶ Meaningful Use criteria are more complex than they seem:

Risk Analysis

- Identification of Weakness

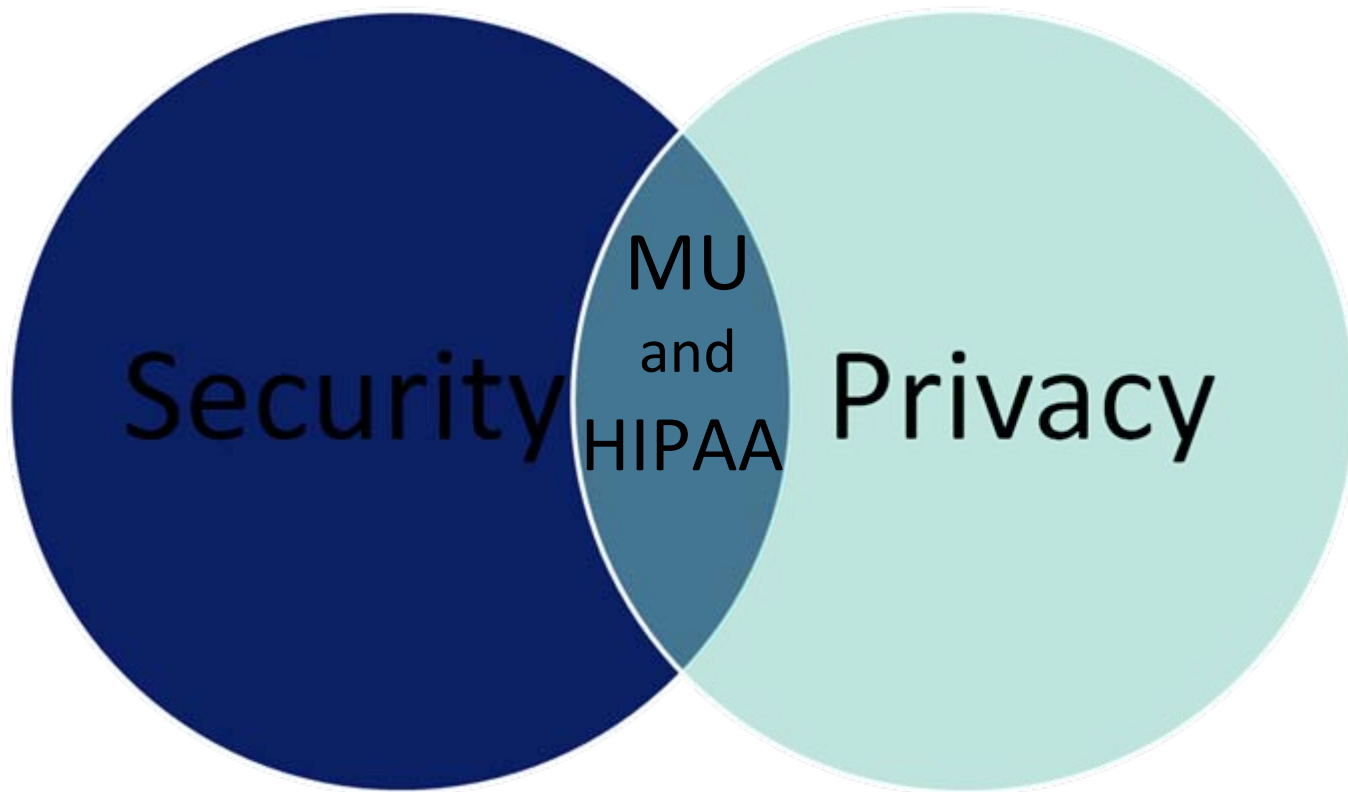
**Non-
Compliance**

- Administrative, Technical or Physical

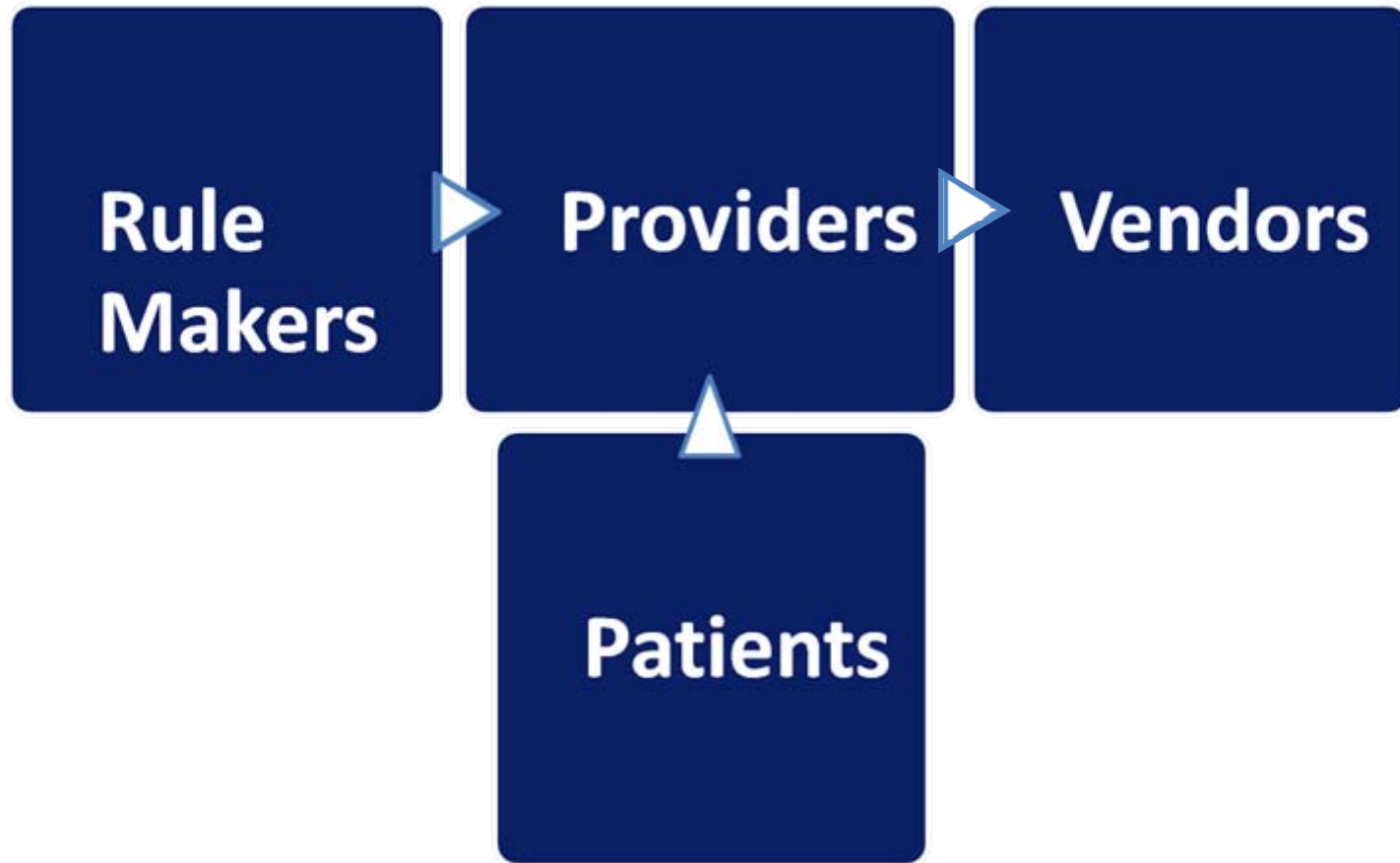
“Weaknesses”

- Other unforeseen weaknesses

**Stakeholders will need to refocus attention on HIPAA
Privacy and Security to achieve Meaningful Use, observing
the critical nexus between Security and Privacy**



All entities involved in this process will need to understand the stakeholder relationships to ensure properly developed EHR systems



Understanding the renewed importance of HIPAA compliance will be necessary in achieving MU and will affect the development of EHRs

HIPAA Compliance



- ▶ **Full HIPAA Compliance**
- ▶ **MU Required for Incentive Payments**
- ▶ **Cause and Effect Relationship**

Meaningful Use

Vendors must ensure their products meet key challenges presented by security requirements to make certain their products are successful

Vendor Key Challenges

- Implementing HIPAA Security and Privacy Rules
- Flexible Solutions
- Simple Yet Comprehensive

Vendor Solutions

- Harmonize the Architecture and HIPAA Rules
- Allow Flexible Integration
- Recognize Customer Needs

Providers will also have important questions to address and key challenges that must be considered

Provider Key Challenges

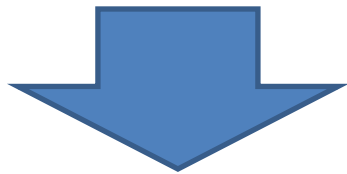
- Patient Confidentiality and Patient Acceptance
- Product Selection
- Training, Time and Workload

Provider Solutions

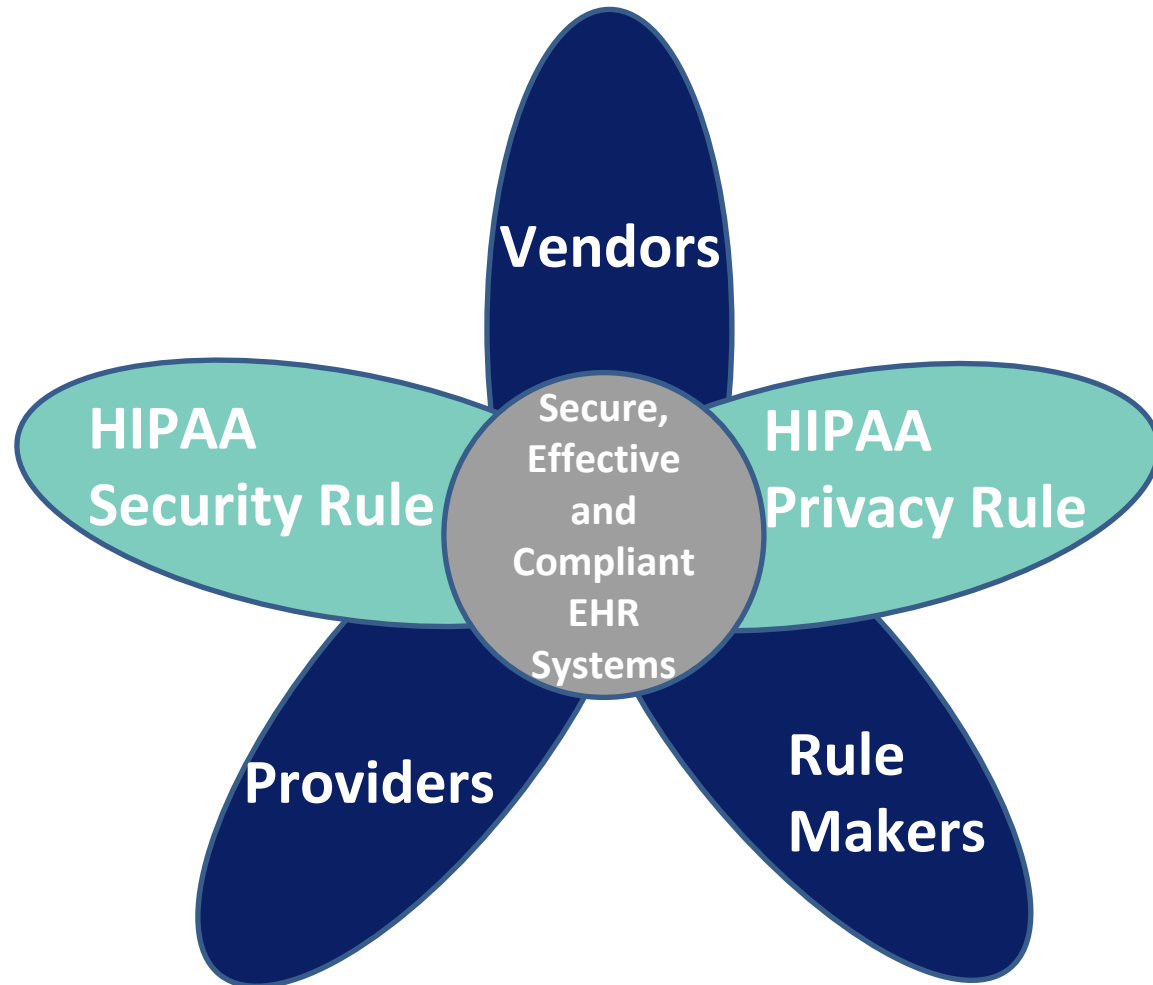
- Mitigate risk to patients' privacy
- Leverage industry groups
- Expect change management concerns

Rule Makers, Vendors, and Providers will need to ensure thorough awareness of each others' needs throughout this process and collaborate to ensure HIPAA compliance

- ▶ Clear and Achievable Guidance from Rule Makers
- ▶ Clarifying Provider Needs and Concerns
- ▶ Vendor Understanding of the Complexities and Importance of HIPAA Compliance



MU



While the Meaningful Use Rule has provided some clarity, stakeholders must be prepared to take action to manage persistent challenges

Anticipate Changing Rules

Minimize Patient Concerns about EHR Technology

Align HIPAA Programs with Meaningful Use Criteria

Prepare to Handle More Electronic “Output” than “Input”

Prioritize Privacy and Security

Breach Notification

Discussion

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