

HIPAA

PRIVACY AND SECURITY One Clinician's Perspective



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**eHealthConnector, Inc.**™



HIPAA Requirements

- Covered entities are required to have:
 1. Privacy Officer and appropriate policies and procedures
 2. Security Officer and appropriate policies and procedures



HIPAA Requirements

- Covered entities are:
 - **PROVIDERS**
 - Health Plans
 - Health Care Clearing Houses

Privacy and Security:

A Matter of...

- People
- Systems
- Technology
- Regulations
- Evolution

Privacy and Security:

It may be as simple as...

- **Paper consents/authorizations**
 - **Obtained at the point of care**
 - **Stored in the paper chart**
 - **Physical flag on chart indicating**
 - **Viable current consents**
 - **Revoked consents**
 - **List of authorizations**
 - **List of required disclosures**

Privacy and Security:

And...



- **Secured by...**
 - **Locking the office files and the office securely**

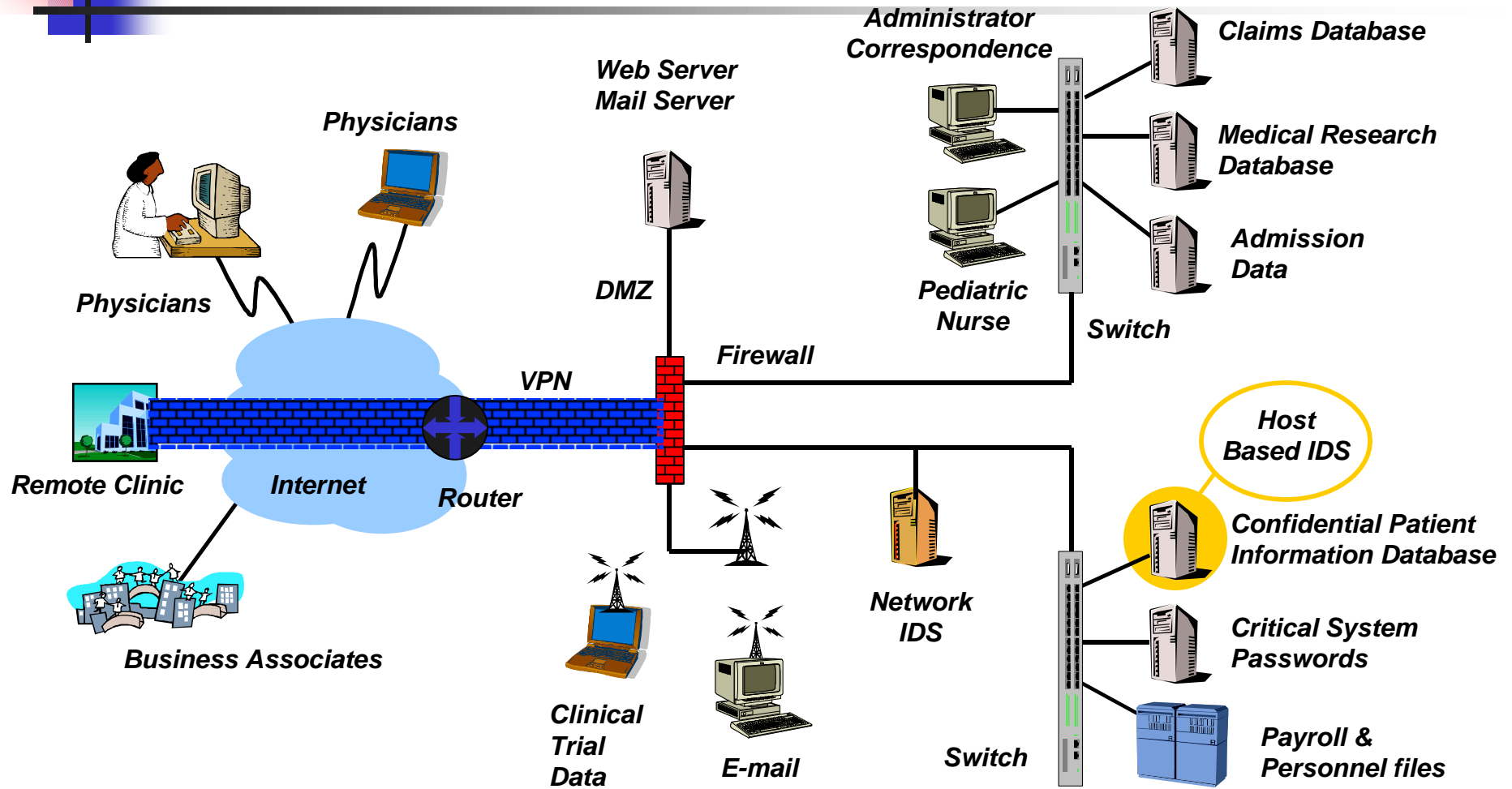
Or...

Privacy and Security:

As complex as...

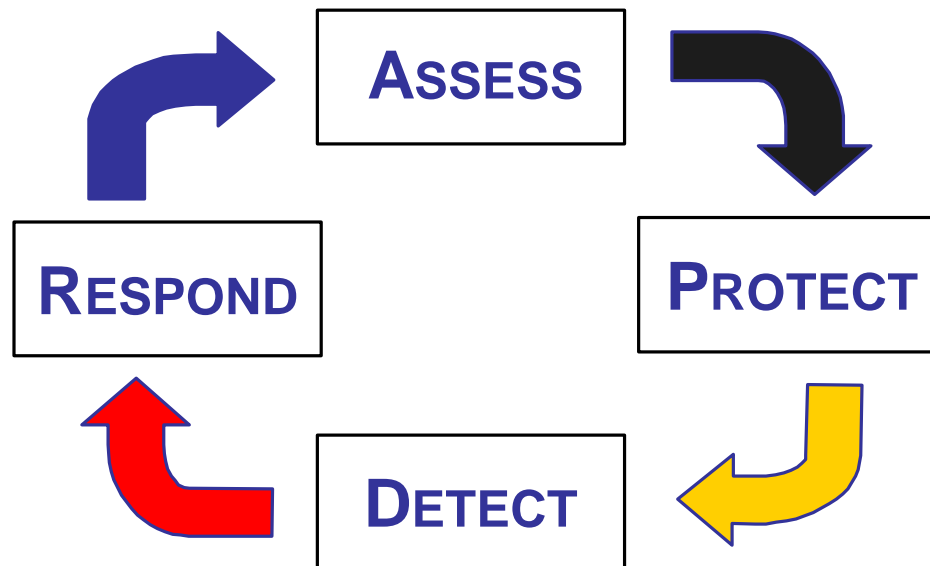
- **Consents/authorizations -**
 - **Obtained**
 - At the point of care
 - Mass mailings (paper)
 - E-
 - **Entered/Stored in electronic databases**
 - **Flag when accessing membership (patient) system and/or electronic medical record**
 - **Valid current consent**
 - **Revoked consent**
 - **Authorizations and their status**
 - **Disclosure Tracking System**

Privacy and Security: And...



Privacy and Security:

Information Assurance Cycle

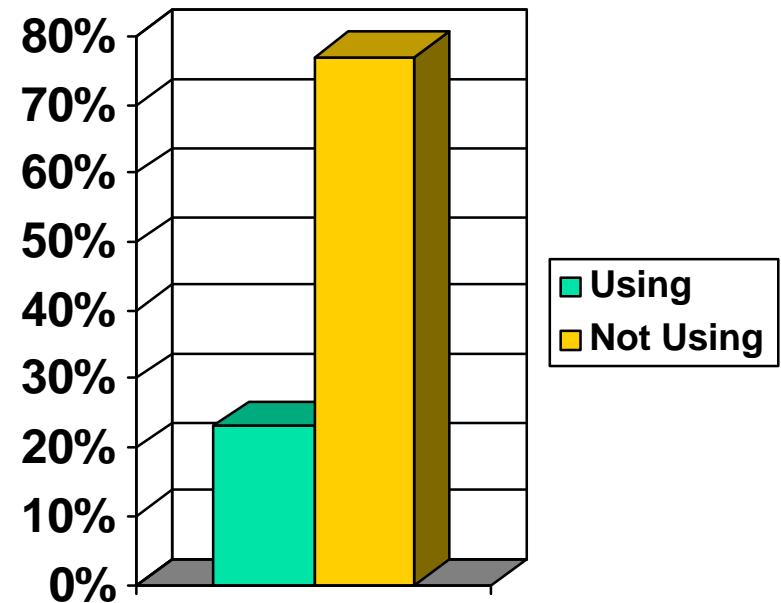


Privacy and Security

Physician Internet Use

- Still a reluctance to use the Internet
 - Physician-Patient E- Mail communication
 - Only 23% using in a survey of 1,200 physicians¹

¹Fulcrum Analytics Oct/Nov 2001

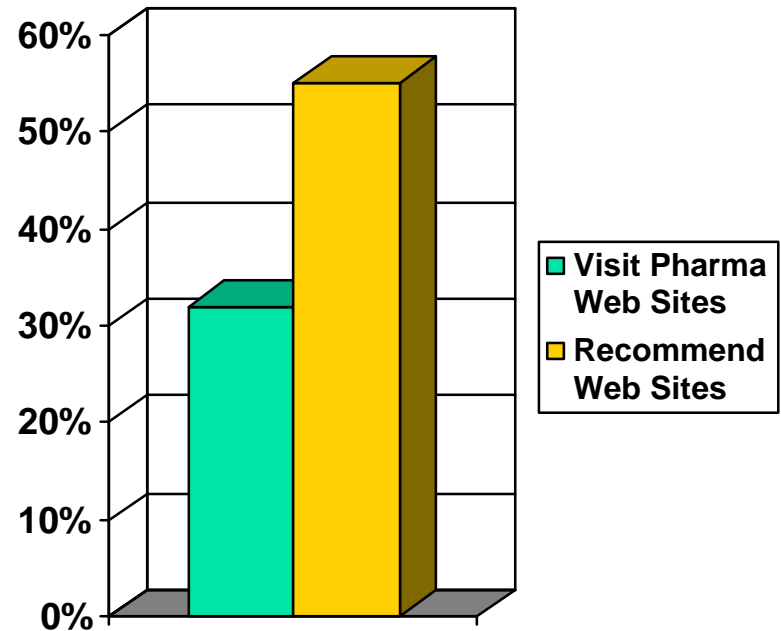


Privacy and Security

Physician Internet Use

- Current Use
 - Many using for personal e-mail
 - Clinical Uses
 - Visiting Pharmaceutical Web Sites
 - Recommending Info Web Sites to Patients

Source: Fulcrum Analytics
Oct/Nov 2001

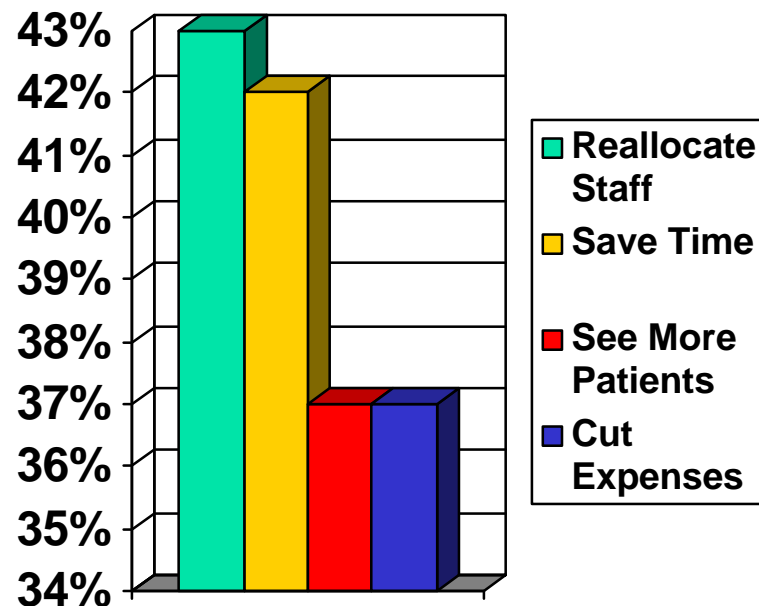


Privacy and Security

Physician Internet Use

- Future Use
 - Likely to increase
 - Based on Insurance reimbursement and...
 - Reallocation of staff
 - Time saving
 - See more patients
 - Cut expenses

Source: Fulcrum Analytics
Oct/Nov 2001



Privacy and Security

Physician Internet Use

- The Wild Card - The PDA
 - Use Likely to increase
 - High speed mobile communication device
 - Telephony
 - Internet
 - 30% already using
 - 84% Maintain personal schedules
 - 67% Manage professional schedules
 - 57% Accessing drug databases
 - 50% hope to be able view lab results someday

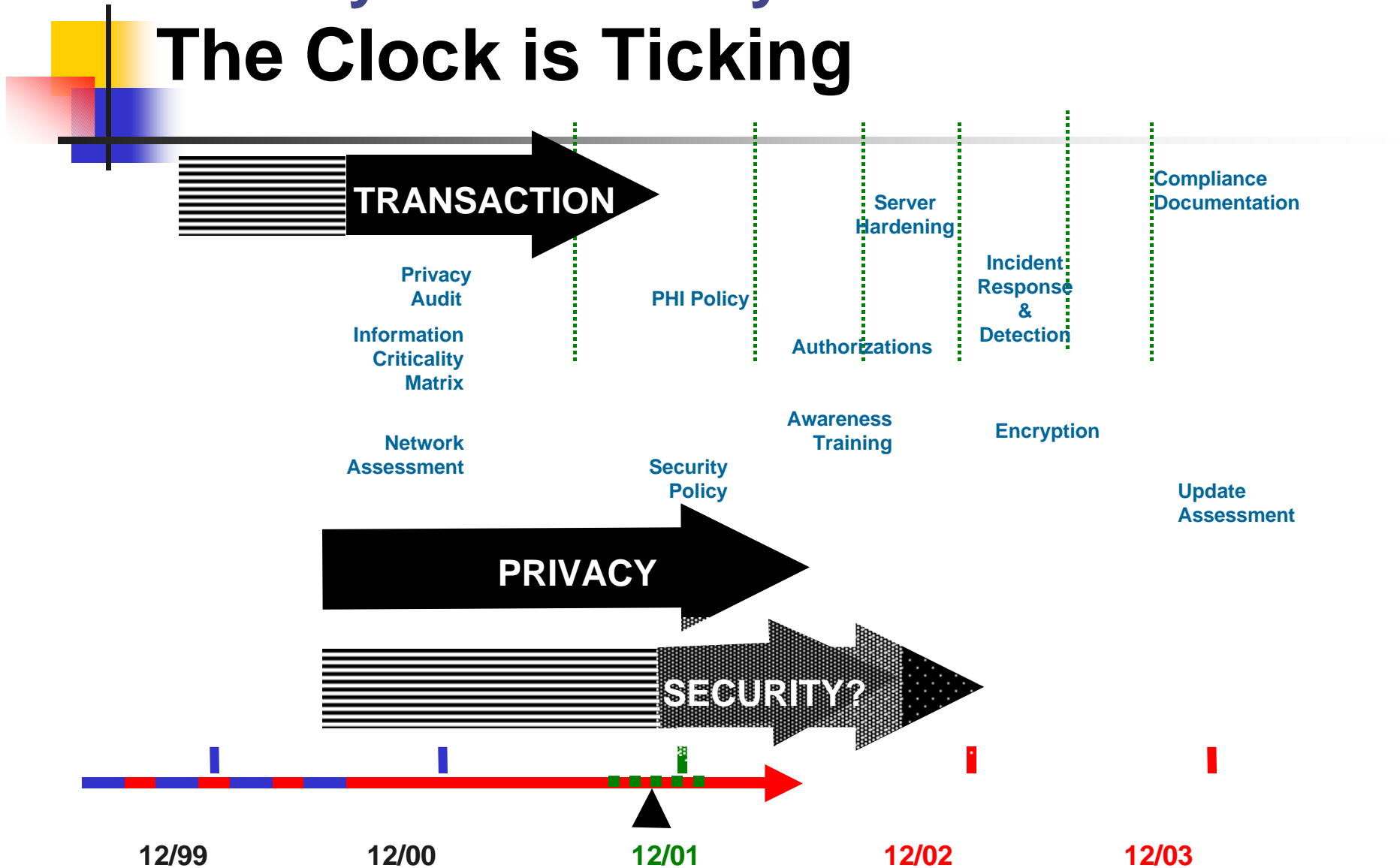
Source: Fulcrum Analytics
Oct/Nov 2001

Privacy and Security

Physician Internet Use

- The End Result:
 - Physicians will ultimately migrate from paper to digital
 - Privacy and Security implementation and their maintenance for clinicians will migrate from the simple to the more complex for most

Privacy and Security: The Clock is Ticking



Privacy:

For almost 5000 years

The patient tells another person:

- no documentation
- no privacy

“My left foot is numb and I have this incredible thirst. I’ve been kind of depressed lately.”

Nevertheless...



Privacy:

Fears



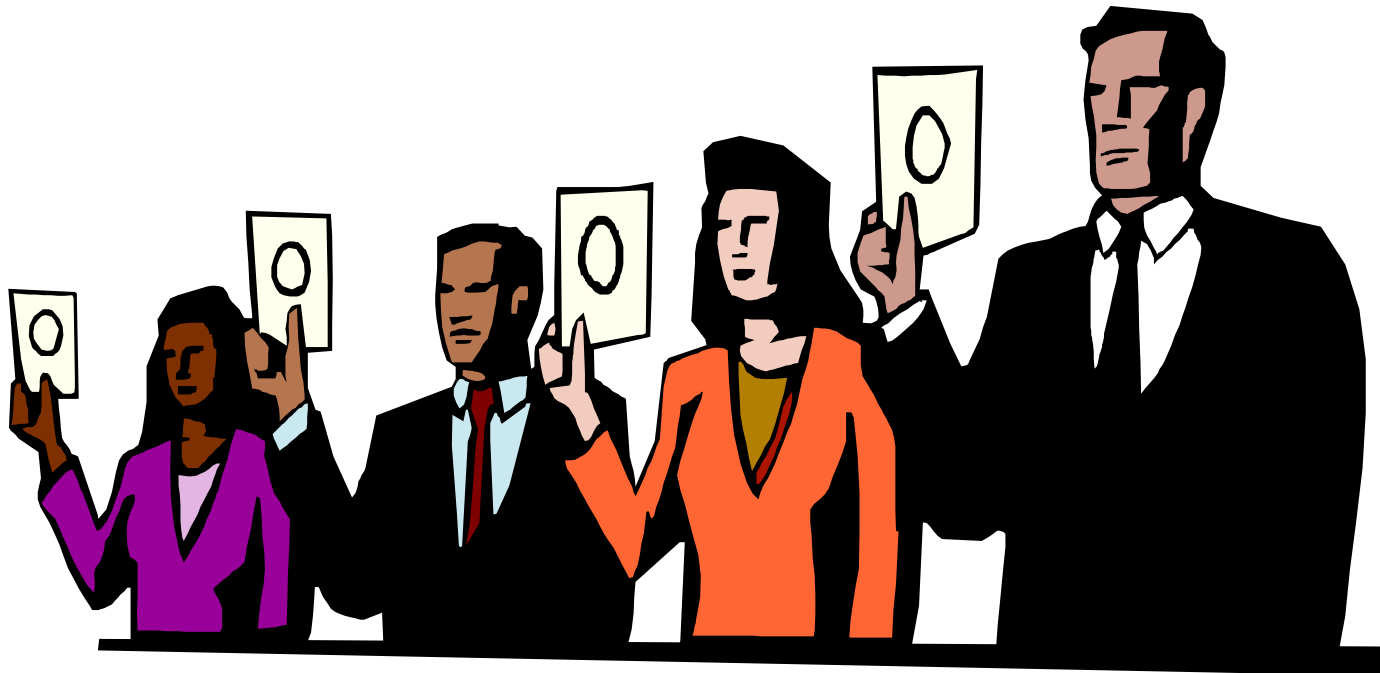
Steven—you are to begin therapy, as your blood test indicates 25% risk of teenage depression based on your genetic profile.

Father just got a telemarketing call from a home blood sugar monitoring service. But I don't think he ever followed up on that office visit to the doctor!

Privacy:

Over The Top

And now, Mr. Jones' scores from our health insurance judges.



Privacy:

Over The Top (continued)



“Hi, I have an appointment with Dr. Smith tomorrow.”

“Mr. Dawson, are you one of Dr. Smith’s office staff?

What is your mother’s maiden name and who won the world series in 1934?

OK, please login to my personal medical records website, where I can grant you access to view my records before my visit. The web address is:

www.myhealthypersonalonline medicalrecordnetcomwebdoctorehealthicareupracticenetorgcommd.biz/whatever.shtml

”

—

Privacy:



Two Important Tenets:

- 1. Managing Health Information effectively is more critical than restricting access.**
- 2. The patient-provider relationship is still at the heart of managing integrity of the data.**

Privacy:

Managing Health Information - 1

1. Determining the integrity and source of the information
2. Understanding its completeness
3. Knowing its relevance to the patient and/or circumstance
4. Defining its time sensitivity
 - (is it fixed, as in height, or dynamic, as in weight?)

Privacy:

Managing Health Information - 2

1. Does every provider manage his or her “own” information on a patient?
2. How do “prior” providers manage their “own” for subsequent providers?
3. Who has to know if the meaning of the data or the data itself changes downstream?
4. What is the role of the patient in the process?



Privacy:

Flux: Effects of Bio-surveillance

- Protected Health Information definitions will change—identifiable source of data (i.e. the patient) will become more critical to disseminate for surveillance.
- Definitions of usage of information will change.
- Broad spectrum of possibilities for bio-exposure. Avoiding “Risk” to individual will rapidly migrate to avoiding “risk” to other individuals or groups.
- Dynamic state of regulation may change depending on circumstances.
- Recent regulations on wiretapping and monitoring—are there definitions around what parameters would reverse these?

Privacy:

Elements of Privacy Management -1

- Admission
- Authentication
- Access controls
- Administration
- Accountability
- Audits (Before not after)
- Apprehension

For example...

Privacy:

Elements of Privacy Management - 2

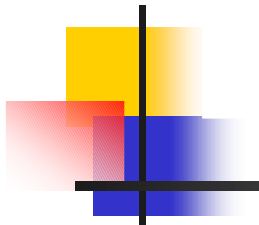
Audits

- Someone has to write the rules¹
- Someone has to run the audits²
- Someone has to be accountable

¹the rules have to be meaningful

²the audits have to be meaningful

Electronic examples...



eHealthConnector, Inc.
DOCUMENT MANAGEMENT

Monday, November 12, 2001

Admin Navigation

Home : Au

----- Select An Option -----

The def.
the appi

Audit Entry Detail - Microsoft Internet Explorer provided by DNA

Audit Entry Detail - Download - ID #2282

Document Filename: tm6clinicnote.tiff
Document Title: GSW to Hand; Triage Note; 10 January 2000
Document Type: Image - TIFF
Uploading Member: Saul Kaplan
Assigned Provider: Saul Kaplan

Close Window

Audit Type	Member	Date	ID	Action
DOWNLOAD	John DesMarteau	11/9/01 18:17	2283	Details
DOWNLOAD	John DesMarteau	11/9/01 18:17	2282	Details
DOWNLOAD	John DesMarteau	11/9/01 18:17	2281	Details
VIEW	John DesMarteau			
DOWNLOAD	John DesMarteau			
DOWNLOAD	John DesMarteau			
DOWNLOAD	John DesMarteau			



The system must have sophisticated logic to determine who can access what, or there must be the ability to select certain items of special concern.

And someone accountable for group behavior can monitor the accesses of individuals, if they know what these individuals SHOULD be allowed to access.

Privacy: QI Via Privacy Management



Privacy Info Help Contact Support Logout

andrew barbash

Home Your Doctors Message Center **Health Records** Account

View

- Medical Information
- Personal Information
- Health Habits
- Who Has Viewed My Health Record

Options

- Add a Condition
- Add an Allergy
- Add a Medication
- Add a Family Member

See who has viewed your chart



View Medical Information

This information is useful for your doctor for both online consultations, and for prescribing medications for you. Use the **Select Family Member to View** menu below to select whose medical information you want to see. To use this service for a family member not on the list below, click **Add a Family Member** under the **Options** menu on the left.

Select Family Member to View

Health Condition

Condition	When did i
High Blood Pressure Edit	June 2000

Allergies

Allergy
latex Edit

Medications

Drug	Started Taking
Tenormin (Oral Tab 25 MG) Edit	Oct 1, 2000 Yes
Tenormin (Oral Tab 25 MG) Edit	Jul 20, 2001 Yes

Tools that facilitate privacy management can also help in the management of data and its integrity thus improving quality of care through better communication.

Privacy:

Privacy Officer Needed

- Necessary for the practice to be HIPAA compliant
- Necessary as a good business practice
 - Making certain that the practice remains HIPAA compliant
 - ✓ Gathering consents
 - ✓ Proper disclosures
 - ✓ Proper security
 - Interface with patients
- Can be the “office manager”
- HIPAA Publications abound (print and Internet)
- Expert help abounds

Security:

Sizing a Security Program

Proposed Security Standard

Four Categories:

- *Administrative Procedures*
- *Physical Safeguards*
- *Technical Security Services*
- *Technical Security Mechanisms*
- *Future Placeholder for Electronic Signature*

Security:

Sizing a Security Program

Final Security Standard

Each covered entity is responsible for:

- *Securing patient records containing individually identifiable health information (PHI) so that they are not readily available to those who do not need them*
- *Establishing appropriate safeguards to ensure privacy*

Security:

The Top Reason to Defer Security

“Compliance is in the eye of the beholder”

***“The HIPAA Security Standard
is not finalized!”***

Security:

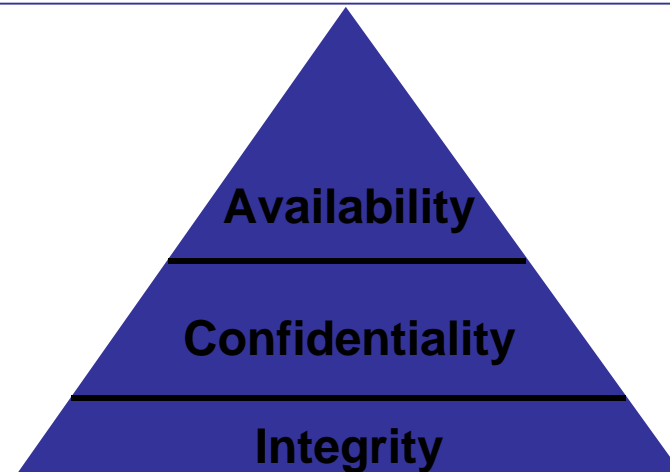
How Is Information Threatened?

Information is a Health Industry Asset

Information can be critical and/or sensitive

Loss of Confidentiality, Integrity, or Availability can have financial implications

Loss of Integrity or Availability ***can cost a life!***



Security:

Threats:

- **What is a threat?**
 - ▶ Possibility, or likelihood, of an attack against your organization
 - ▶ Potential for damage to your organization
- **Accidental vs. intentional threats**
- **Threat forms**
 - ▶ Human Errors
 - ▶ Malicious Acts
 - ▶ System Failures
 - ▶ Natural Disasters

Security:

Vulnerabilities: some examples

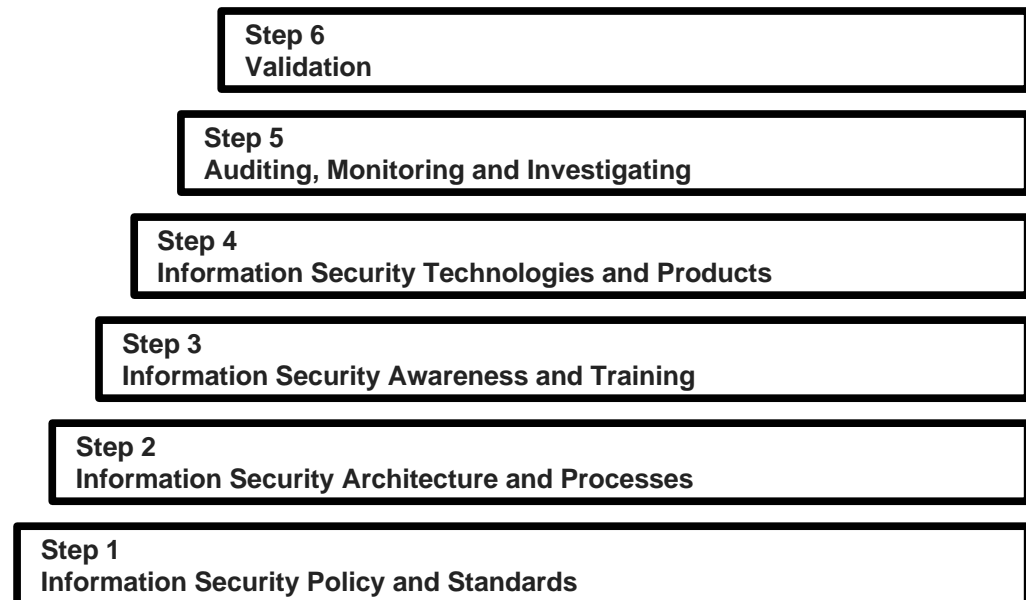
Item	Paper	Digital
Lack of policies and procedures	▶	▶
Incorrect policy implementation	▶	▶
No intrusion detection	▶	▶
Software bugs/design flaws		▶
No firewall or poor implementation		▶
No virus protection or poor implementation		▶

Security:

Information Security Hierarchy

Best Practices Approach

- **Administrative**
 - ▶ Policy and Procedure
 - ▶ Personnel Security
- **Technical**
 - ▶ Network Connectivity
 - ▶ Viruses
 - ▶ Authentication
 - ▶ Audit
 - ▶ Backup and Recovery
 - ▶ Encryption
 - ▶ Physical Security

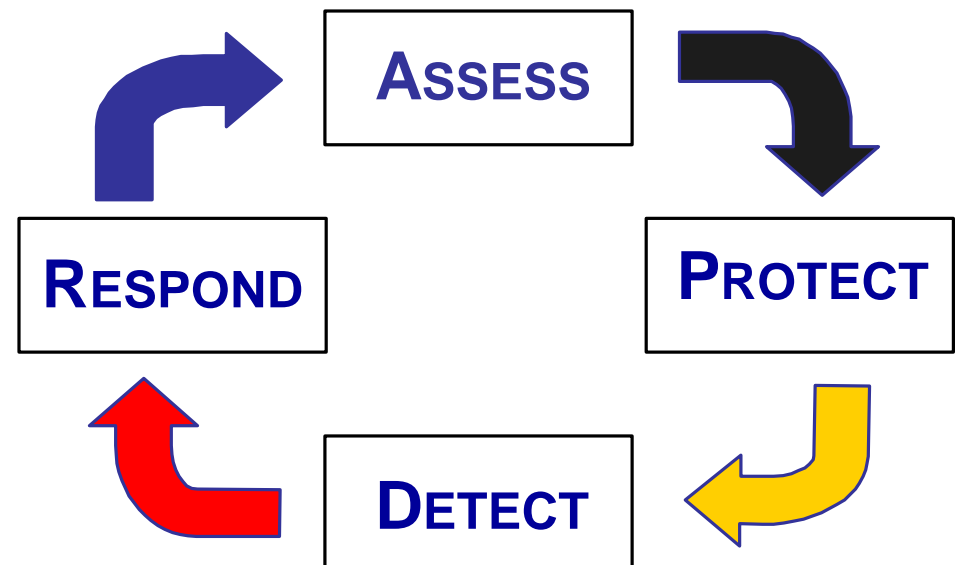


Source: Gartner Research

Privacy & Security:

Recommended Response...NOW!

- Assessment Gap
- Establish Roadmap
- Implement appropriate administrative measures
 - Information Classification
 - Policies
 - Awareness Training
- Undertake appropriate technical remediation
 - Configurations
 - Physical security



“Little pieces at at time”



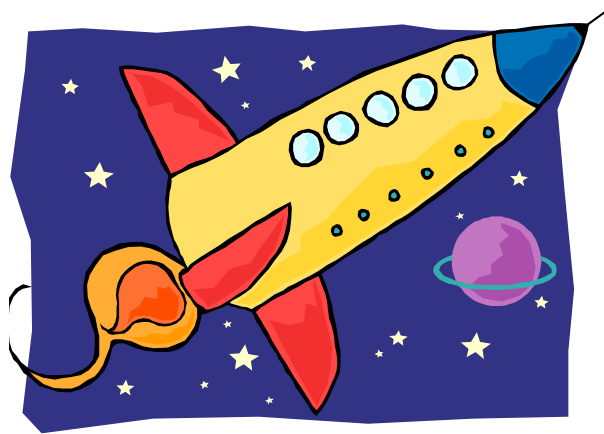
Privacy and Security:

Change is inevitable:

- 1. Technology is advancing.**
- 2. People are critical to the process of ensuring privacy, regardless of technology.**
- 3. Keeping up with the pace of development of new uses for information will tax security experts.**
- 4. HIPAA is a “work-in-progress” and your voice is important.**

Privacy and Security: HIPAA Compliance

It's not





HIPAA



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Thanks for attending!