HIPAA Privacy and Security Vulnerabilities and Opportunities in High Risk Populations
Learning Objectives

• Recognize the distinct HITECH HIPAA privacy and security vulnerabilities in high-risk health care settings.

• Explain the process and procedures to avoid costly data breaches in a health system affiliated with small-medium size practices and safety net medical and behavioral health practices.

• Identify strategies, partnerships and resources to develop best practices in HIPAA HITECH privacy and security compliance.

• List risk management and training solutions that have been successful for small-to-medium size and safety net providers who serve the high risk populations.
The “Risk Gap” is growing faster than the healthcare industry is prepared to adapt to it.

Health Care Security and Privacy Investments are Lagging Behind.
Myths about HIPAA & Meaningful Use Security Risk Analysis Requirement

• It is optional for small providers and practices
• Installing a certified EHR fulfills the MU security requirement
• My EHR vendor handled everything so I’m fine
• A checklist will suffice
• Once I complete a risk analysis I’m done
• I only need to do a risk analysis once
Missed $ from bonus payments and patient volume

Increased Fines from Breaches and Audits

Fraud and Identity Theft Consequences

Reputation Damage and Consumer Mistrust
Case Study

- Large, multi-location FQHC
- Minors and adults treated for STD
- Typical environment for those most in need
- Funding from state-sanctioned grant-funder in return for data
- BAA in place
- Computers stolen from grant-funder but never determined if patient data accessed
- no encryption
- no risk analysis or contingency plan for notification
Potential Vulnerabilities

State or City Health Dept.

Grant Funder and Data Collector

FQHC

Medical Respite

Behavioral Health Center (Outpatient & Inpatient)

Health Information Exchange

Managed Care Medicaid Health Plan

Medicare MA Advantage

Private Insurance

Self Pay

Health System

Physician Specialists

Hospital

Discharge Planners

ACO
Don’t Leave Out...Business Associates and Subcontractors

e-billing Vendor

Management/Consulting Advisors

EHR Vendor Host

HIE Vendor

Sub-Contractor

Sub-Contractor

Sub-Contractor

Sub-Contractor
## Obligation vs. Reality

<table>
<thead>
<tr>
<th>Obligation</th>
<th>Reality</th>
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<tbody>
<tr>
<td>Notification to Patients</td>
<td>Minors, parents not aware of STD treatment</td>
</tr>
<tr>
<td>Notification to Public</td>
<td>Concern about negative publicity</td>
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<tr>
<td>Obligations under BAA</td>
<td>Refusal of BA to take action</td>
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<tr>
<td>Cooperate with Police Investigation of theft</td>
<td>Computers never found, not sure if accessed</td>
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HIPAA Guidance Can Be Overwhelming

Risk Assessment
Mobile Media
Encryption
Fines
Audits

Breach Notification
HIPAA Privacy
Confidentiality
Risk Management
Contingency Planning
Authentication
Disaster Recovery
Patient Access

Integrity
Access Control
Availability
Business Associates

Risk Management
Contingency Planning
Privacy and Security Risk Assessment

10 questions to begin assessing your organization’s needs
<table>
<thead>
<tr>
<th>Patient Engagement in the Office: HIPAA HITECH EXPRESS</th>
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<tbody>
<tr>
<td><strong>Care Activity</strong></td>
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<tr>
<td>Registration: Patient calls for triage/appt</td>
</tr>
<tr>
<td><strong>Which health care personnel processes the information</strong></td>
</tr>
<tr>
<td><strong>What sensitive health information is being processed</strong></td>
</tr>
<tr>
<td><strong>Where does this information exchange take place</strong></td>
</tr>
<tr>
<td><strong>How?</strong></td>
</tr>
<tr>
<td><strong>What's the Risk?</strong></td>
</tr>
<tr>
<td><strong>HIPPA HITECH EXPRESS mitigates risk</strong></td>
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Strategies and Solutions
What do you need?

✔ Security awareness training to ensure educated staff
✔ Simplified, concise Rapid Risk Assessment, Gap Prioritization and Remediation plan
✔ Straight forward workflow to manage the process effectively
✔ Security privacy document library: comprehensive policy, procedures, and templates
✔ On Going Risk Management and Breach Protection
✔ On-demand Virtual Privacy Security e-Assistant
Where can You get help?

Large Academic Medical Centers and Hospitals can assist smaller health centers by creating a “consortium” to build outreach for better patient care and care coordination

Partnering on Grant Opportunities:

- Health Care Innovation Grant (CMS)
- Patient Centered Outcome Initiative (PCORI)
- Grants to Expand Care Coordination through the Use of Technology-Assisted care in Targeted Areas of Need (TCE-TAC)

Seek out Foundation Opportunities

- Gladys Brooks Foundation
- The Hearst Foundation/Wiliam Randolph Hearst Foundations
- The Kresge Foundation
- The Robert Wood Johnson Foundation Vulnerable Populations Health Grant
- W.K. Kellog Foundation Grants
- The Arthur Vining Davis Foundation
Questions?

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