NMHIC Webinar Series

April 16, 2019

Welcome and Housekeeping

- All stakeholders in New Mexico’s healthcare community are welcome
- We will record today’s webinar
- Lines will be muted as we begin
- To comment or to ask a question, please ‘raise your hand’ and unmute your line, or
- Direct your question or comment (to everyone, to the presenter, or to the host) in the chat box
Agenda

• News and Information – April Salisbury, Director of Education and Training
• Outreach and Communications Update – Michelle Bowdich, Director of Outreach and Communications
• Featured Presentation: ‘2019 HIPAA Compliance’ – Mr. Mark Norby, CISA, CHP, Comagine Health (formerly Qualis Health & HealthInsight)

New Board Member

Elizabeth “Liz” Thomson – Physical Therapist and State Representative, District 24
NMHIC News and Information

- Transition to Amazon Web Services
- NMHIC Platform was moved to Amazon Web Services (AWS) the first week of April. This is the first step towards our migration to the Amadeus platform, with more value-added functionality.

What does it mean to you? Done in parallel to minimize downtime. Faster more reliable performance. Reduced security risk. Improved business continuity / disaster recovery.
Thank you and Good Luck!

• Michelle is heading to sunny San Diego!
• We are conducting a search for a new Director of Outreach and Communications
• In the meantime, you can still engage with us by e-mailing info@nmhic.org or calling 505.938.9900

Outreach & Communications Update

Michelle Bowdich, Director of Outreach & Communications
NMHIC Sponsored NMHIMA Conference

NMHIC out in the community meeting with Health Information Managers and learning more about their needs for improved coordination of care.

Photo: Lillian Montoya, CEO, CHRISTUS St. Vincent Regional Medical Center (SF)

NMHIC HIE – New Participants

HOSPITALS

RENEWAL

Christus St. Vincent Health System
NMHIC HIE – Outreach to Hospitals

HOSPITALS expected soon

NMHIC HIE – Outreach to Long-term Care

Long-term care expected soon
NMHIC HIE Participants

(Includes Public Health Reporting)

- **39 Hospitals** (28 Rural; 26 Providing Data)
- **26 Provider Groups**
- **8 Laboratories**
- **NM Medicaid**
- **7 Payers** (3 MCOs; 4 Commercial Payers)
- **5 Home Health and/or Hospice**
- **1 EMS**
- **3 Diagnostic Imaging Organizations**
- **NM Primary Care Assoc. representing FQHCs**

*Additional hospitals are in the queue.*

---

NMHIC HIE Benefits

Appropriate, timely sharing of vital patient information can better inform decision making at the point of care and allow providers to:
- View an integrated clinical record from NM and the surrounding area
- Receive notifications of clinical events such as ED admission
- Avoid readmissions
- Avoid medication errors
- Improve coordination of care
- Improve efficiencies
- Improve diagnoses
- Decrease duplicate testing
- Reduce costs
- Streamline referrals
- Improve the patient experience
30th Anniversary

Lovelace Clinic Foundation, dba LCF Research and NMHIC turns 30 next year!

NMHIC CEO IN THE NATIONAL NEWS

Dr. Thomas East (NMHIC CEO/CIO) shares how the NMHIC Statewide Health Information Exchange is providing secure real-time patient information to rural providers when and where it is needed, at the point of care. This article includes several HIE success stories healthcare organizations may be interested in. Read more in the Health Data Management article: https://www.healthdatamanagement.com/opinion/how-health-information-exchange-serves-diverse-new-mexico

Health Data Management

HIT Think How health information exchange serves diverse New Mexico

By Thomas D. East
Published March 29 2019, 5:29pm EDT
Featured Presentation:
‘2019 HIPAA Compliance’

Mr. Mark Norby, CISA, CHP
Certified Information Systems Auditor (CISA)
Certified HIPAA Professional (CHP)

Remembering the 1990’s

Remember the good old days of paper charts – time spent looking for charts, labs, x-rays, etc.
Remember the 2000s?
Technology Silo’ed Infrastructure

Remember when?
1. You could keep your data inside your network?
2. When there were no smartphones and data leakage to mobile devices?
3. There was barely any social media?
4. The “cloud” was just another term for “external hosting”?
5. Medical devices didn’t run on Windows or Linux?
6. Now technology meant bringing in systems “inside of your four-walls”?
7. You “kinds knew” where your data was?

Modern Digital Age, Patient Centric
Whatta’ Ride

“We can just about survive without a stethoscope — once the symbol of our craft — but without our computer log-ins, modern medicine grinds to a halt.”

• DOI: 10.1056/NEJMp1706754

People Get Hurt

• Clinic impermissibly faxed the patient’s PHI to the patient’s employer
• Disclosure included: HIV status, STDs, and physical abuse
• Similar incident 9 months prior; no changes made
• $387,000 – May 2017
• https://www.medprodisposal.com/20-catastrophic-hipaa-violation-cases-to-open-your-eyes
HIPAA Resolution Agreements

HIPAA Enforcement in 2019

At HIMSS, Roger Severino, Director of the Office for Civil Rights (OCR), gave no indications that HIPAA enforcement in 2019 would be eased. Fines and settlements are likely to continue at the same level or even increase.
HIPAA Enforcement in 2019

The Trump Administration’s policy of two regulations out for every new one introduced means any new HIPAA regulations in 2019 are likely to be limited.

First, there will need to be some easing of existing HIPAA requirements.

Specific Areas of Focus in 2019

OCR will come down heavy on entities that have a culture of noncompliance and when little to no effort has been put into complying with the HIPAA Rules.
Specific Areas of Focus in 2019

The following will typically attract financial penalties:

- Failure to conduct comprehensive risk analyses
- Poor risk management practices
- Lack of HIPAA policies and procedures
- No business associate agreements
- Impermissible PHI disclosures
- Lack of safeguards

Ramp Up Enforcement of Patient Access Rights

- Denying patients access to their medical records,
- failures to provide copies of medical records in a reasonable time frame, and
- overcharging are all likely to be scrutinized and could result in financial penalties
Email Data Breaches

OCR is also concerned about the volume of email data breaches. Phishing is a major problem area in healthcare and failures to address email security risks are likely to attract OCR’s attention in 2019.

You Can Count on the OCR....

....to follow up on all HIPAA complaints, all breaches involving 500 or more patients and some breaches of less than 500.
Assigning Officers (Required)

Privacy Officer

§ 164.530 Administrative requirements.

(a)(1) Standard: Personnel designations. (i) A covered entity must designate a privacy official who is responsible for the development and implementation of the policies and procedures of the entity.

Security Officer

§ 164.308 Administrative safeguards

(2) Standard: Assigned security responsibility. Identify the security official who is responsible for the development and implementation of the policies and procedures required by this subpart for the covered entity or business associate.

Now that I have cheered you up, now what?

And, believe it or not, policies and procedures are the answer
The Three Legs of HIPAA

HIPAA Privacy Rule – April 2003
• Establishes national standards to protect all Protected Health Information (PHI) whether written, oral or electronic
• Protects patient rights

HIPAA Security Rule – April 2005
• Applies national standards to specifically protect electronic Protected Health Information (ePHI)

HIPAA Breach Notification Rule – September 2009
• Requires HIPAA covered entities to notify the Department of Health & Human Services (HHS), affected individuals, and in some cases the media (and business associates to notify covered entities) of breaches of unsecured PHI

Prepare for a Desk Audit

• Since 2016, the Office for Civil Rights has increased the number of covered entities and business associates being audited by conducting entry-level audits entirely by email
• Of the 176 potential audit items of a full HIPAA Audit, covered entities and business associates will receive an email from OCR asking them to provide documentation proving their compliance with the following seven HIPAA sections:
Desk Audit HIPAA Controls

<table>
<thead>
<tr>
<th>Privacy Rule Controls</th>
<th>Breach Notification Rule Controls</th>
<th>Security Rule Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Privacy Practices and Content Requirements [§164.520(a)(1) &amp; (b)(1)]</td>
<td>Timeliness of Notification [§164.404(b)]</td>
<td>Security Management Process – Risk Analysis [§164.308 (a)(1)(ii)(A)]</td>
</tr>
<tr>
<td>Provision of Notice - Electronic Notice [§164.520(c)(3)]</td>
<td>Content Notification [§164.404 (c)(1)]</td>
<td>Security Management – Risk Management [§164.308 (a)(1)(ii)(B)]</td>
</tr>
<tr>
<td>Right to Access [§164.524(a)(1), (b)(1), (b)(2), (c)(2), (c)(3), (c)(4), (d)(1), (d)(3)]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Nearly everything you need to meet the Breach Notification Rule is on our website at www.healthinsight.org/hipaapass

Keeping Up with Changes

- Have your Privacy and Security Officer(s) join the OCR listservs to keep up to date on HIPAA news: http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/listserv.html
- Or Google “OCR listserv”
New Mexico Law

Where state law provides greater privacy protection than HIPAA, state law applies.

New Mexico law provide greater privacy protections for individually identifiable health information with respect to the following conditions (“specially protected health information”):

- sexually transmitted diseases
- HIV test results
- Genetic privacy
- Children’s mental health and developmental disabilities
- Adult mental health and developmental disabilities

New Mexico Laws

- Providers, hospitals, and health information exchanges must comply with both the HIPAA requirements and, with respect to specially-protected health information, the requirements of the more restrictive state laws.
- There is no general exception under the more restrictive state laws that would allow a disclosure of specially-protected health information for the standard HIPAA treatment, payment, or operations exception.
New Mexico Laws

Whenever disclosure is made, it shall be accompanied by a statement in writing that includes the following or substantially similar language:

"This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of this information without the specific written consent of the person to whom this information pertains or as otherwise permitted by law. A person who makes an unauthorized disclosure of this information is guilty of a petty misdemeanor and shall be sentenced to imprisonment in the county jail for a definite term not to exceed six months or the payment of a fine of not more than five hundred dollars ($500), or both."

New Mexico Laws

There have been some changes to the New Mexico specially-protected conditions statutes, but none that would change the conclusion that if information on specially-protected conditions is disclosed, patient consent is required.
Questions?

Mark Norby, mnorby@healthinsight.org
(307) 258-5322

Visit our website: healthinsight.org/hipaapass
for more information about our Privacy and Security Solutions!

Thank you and have a wonderful day!!

Miss a webinar?

Check out our events page for handouts and recordings, as well as upcoming events.

www.nmhic.org
Looking Ahead

Next month, please join us on
**May 21, 2019, 11:30 am-12:30 pm**
Ezekiel “Zeke” Peters, Esq., NRP
Director of Emergency Medical Services
CORHIO, Colorado Regional Health Organization

Contact Us

**Not an HIE User yet?**

(505) 938-9900 or [info@nmhic.org](mailto:info@nmhic.org)

Look for us on LinkedIn and Twitter too!