

PRIVACY AND SECURITY OF HEALTH RECORDS

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Terms

- ▣ PHI (Protected Health Information)
 - Protected health information means individually identifiable health information, that is transmitted by electronic media, maintained in electronic media; or transmitted or maintained in any other form or medium.
 - Rule: Individually identifiable health information is information that is a subset of health information, including demographic information collected from an individual, and: Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and that identifies the individual; or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.
- ▣ ePHI (Electronic PHI)
- ▣ PII (Personally Identifiable Data)

Terms #2

▣ Privacy

- The state or condition of being free from being observed or disturbed by other people, thus specifically the desire or act of a person to control the disclosure of personal health information.

▣ Confidentiality

- The state of being secret, thus the ability of a person to control release of personal health information to a care provider or information custodian under an agreement that limits further release of that information.

▣ Security

- The state of being free from danger or threat, thus protection of privacy and confidentiality through policies, procedures and safeguards.

Why Do We Care?

- ▣ Ethically, privacy and confidentiality are considered to be rights (in our cultures).
- ▣ Information revealed may result in harm to interests of the individual.
- ▣ The provision of those rights tends to ensure that the information is accurate and complete.
- ▣ Accurate and complete information from individuals benefits society in limiting spread of diseases to society (i.e. HIV).
- ▣ The preservation of confidentiality assists research which in turn assists patients.

Users of Health Information

- ▣ Patient
 - Historical information for current and future care
 - Payments
 - Insurance claims
- ▣ MD's
 - Patient's medical needs
 - Documentation
 - Interface with other providers
 - Billing

Users of Health Information

#2

- ▣ Health insurance company
 - Claims processing
 - Approve consultation requests
- ▣ Laboratory
 - Process specimens
 - Results reporting
 - Billing
- ▣ Pharmacy
 - Fill prescription
 - Billing

Users of Health Information

#3

- ▣ Hospital
 - Care provision
 - Record of services
 - Billing
 - Vital statistics
 - Regulatory agencies
- ▣ Government bureau
 - Birth statistics
 - Epidemiology
- ▣ Accrediting organization
 - Hospital review
- ▣ Employer
 - Request claims data
 - Review claims for monetary reduction
 - Benefits package adjustments

Users of Health Information

#4

- ▣ Life insurance companies
 - Process applications
 - Process claims
 - Risk assessment
- ▣ Medical information bureau
 - Fraud reduction for life insurance companies
- ▣ Managed care company
 - Process claims
 - Evaluate MD's and other health care personnel
- ▣ Lawyers
 - Adherence to standard of practice
 - Malpractice claims
- ▣ Researcher
 - Evaluate research program

A Complex Situation!

But, as many other countries have found, most valid uses can be supported by PHI (Protected Health Information) devoid of PII (Personally Identifiable Data).

De-Identified Health Information

HEALTH INFORMATION IS DE-IDENTIFIED IF IT DOES NOT INCLUDE ANY OF THE FOLLOWING IDENTIFIERS OF THE INDIVIDUAL OR OF RELATIVES, EMPLOYERS, OR HOUSEHOLD MEMBERS OF THE INDIVIDUAL:

- Names;
- Geographic subdivisions smaller than a state;
- Dates directly related to individuals, including birth date, health care service admission or discharge dates, date of death, ages, and all elements of dates (including year);
- Telephone, Fax, etc. numbers;
- E-mail and contact addresses;
- Social security (SSS) numbers;
- Medical Record Numbers;
- Health plan beneficiary numbers (e.g. Phil. Health), Account numbers;
- Certificate/Driver's license numbers;
- Vehicle identifiers and serial numbers, including license plate numbers;
- Device identifiers and serial numbers;
- Web Universal Resource Locators (URL);
- Internet Protocol (IP) address numbers;
- Biometric identifiers, including finger and voice prints;
- Photographic images and comparable images; and
- Any other unique identifying number, characteristic or code.

Issues for Planning (overview)

- ▣ Laws, Rules, & Regs.
- ▣ Best Practices
- ▣ Existing DB v Custom
- ▣ Connectivity
- ▣ Historical Retention
- ▣ Secure DB
 - Collection & Updating
 - Tracking Info. Source
 - Maintenance
 - Protection
 - Confidentiality
 - Integrity
 - Availability
 - Audit
 - Loss / Corruption
 - Improper Access / Use
- ▣ Proper Use of DB
 - Combinations
 - Permutations
 - Simulations
 - Statistics (e.g. Epidemiology)
 - Diagnostic use
 - Teaching
 - Gov't. Access (e.g. Law Enforcement, BIR)
 - Patient Exclusion (HIV)
 - Geographic Notice
- ▣ Enforcement
- ▣ Patient Rights (define?)
- ▣ Patient willingness to provide info. (permission & notice for sharing info., potential false info.)
- ▣ Risk Management
- ▣ Liabilities & Insurance

International Considerations

▣ Phil

- Data Privacy Act of 2013
- Personal Data Privacy and Security Act of 2014

▣ USA

- HIPPA (The Health Insurance Portability and Accountability Act of 1996, See also: 2003, 2013)
 - Privacy & Security Regs. For PHI / ePHI
- HITECH (Health Information Technology for Economic and Clinical Health Act of 2009)
- FISMA (Federal Information Security Management Act of 2002)
- State Laws (examples)
 - CA: SB1386 - Notification if “personal information” is compromised
 - CA: AB1298 - Adds Medical & Health Insurance info. to “personal” info.
 - NY State SSN Breach Act (2004)

▣ UK

- Public Records Act 1958
- Access to Health Records Act 1990
- Data Protection Act 1998

Data Privacy & Security Links

- http://en.wikipedia.org/wiki/Information_privacy
- http://en.wikipedia.org/wiki/Data_security
- <http://www-01.ibm.com/software/data/security-privacy/>
- <https://www.eff.org/deeplinks/2014/01/data-privacy-means-data-security-and-not-data-retention>
- <http://www.mofo.com/privacy--data-security-services/>
- <http://www.leahy.senate.gov/imo/media/doc/Personal%20Data%20Privacy%20and%20Security%20Act%202014.pdf>
- <http://annuityoutlookmagazine.com/2014/03/privacy-security-simplified/>

Healthcare Data Privacy & Security Links

- <http://en.wikipedia.org/wiki/Healthcare>
- http://www.symantec.com/products-solutions/industries/solution.jsp?ind=healthcare&sind=hc_providers&solid=in_sol_sec_privacy_hc
- <http://www.intel.com/content/www/us/en/healthcare-it/healthcare-information-privacy-and-security.html>
- <http://searchhealthit.techtarget.com/feature/Security-School-Data-protection-strategies-for-health-care>
- <http://www.ironkey.com/en-US/solutions/healthcare.html>
- http://www.csc.com/health_services/insights/86718-getting_a_jump_on_healthcare_data_security_and_privacy
- <http://www.computerweekly.com/podcast/Key-steps-to-big-data-security-in-healthcare>
- <http://www.himss.org/library/healthcare-privacy-security>
- <http://healthitsecurity.com/2014/01/16/coordinating-healthcare-data-privacy-with-security-objectives/>
- <http://www.threatmetrix.com/industries/healthcare/>
- http://ai.arizona.edu/mis596a/book_chapters/medinfo/Chapter_04.pdf
- <http://www.healthit.gov/providers-professionals/ehr-privacy-security>

Healthcare Data Privacy & Security Powerpoint Presento's

- https://www.google.com.ph/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&cad=rja&uact=8&ved=0CEYQFjAF&url=http%3A%2F%2Fccr.med.sc.edu%2FHIPAA%2520Training%2520Final%2520Draft%2520031405.ppt&ei=NDQyU9OqJsm3iQeXvIBg&usg=AFQjCNEpNmhBxvP0nBnaZ428l_jqFWts1w&bvm=bv.63738703,d.aGc
- <https://www.google.com.ph/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&cad=rja&uact=8&ved=0CEAQFjAE&url=http%3A%2F%2Fwww.tricare.mil%2Ftma%2Feurasiaafrica%2Fdownload%2F21-%2520HIPPA%2520%26%2520Privacy%2520Act%2520-%2520MSgt.ppt&ei=NDQyU9OqJsm3iQeXvIBg&usg=AFQjCNGtGO8oTz0f25mir89k2O8QgQegQQ&bvm=bv.63738703,d.aGc>
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- <http://www.scu.edu/sts/PublicEngagement/speakers/archives/20092010/upload/MCGRAW-SLIDES-ppt.pdf>
- <https://www.google.com.ph/url?sa=t&rct=j&q=&resrc=s&source=web&cd=4&cad=rja&uact=8&ved=0CDoQFjAD&url=http%3A%2F%2Fwww.ieeeusa.org%2Fvolunteers%2Fcommittees%2Fmtpc%2Fdocuments%2FEMBC06-NYC-Panel.ppt&ei=faczU5rILcPdKAXW1YGIDw&usg=AFQjCNE7OsV3e8Hu2lQDoVNOjT80LhCA4w&bvm=bv.63808443,d.dGI>
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Privacy and Security of Health Records

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