Security and the new HITECH ACT regulations: Is your registry ready?

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Presenter Disclosures

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(1) The following personal financial relationships with commercial interests relevant to this presentation existed during the past 12 months:

No relationships to disclose

Overview

- ARRA American Recovery and Reinvestment Act of 2009
- HITECH Act/ MO-HITECH Act
- HIPPA
- Implications for Central Cancer Registries

ARRA (Public Law 111-5)

- American Recovery Reinvestment Act (ARRA) and Health Information Technology for Economic and Clinical Health Act (HITECH)
  - Stimulus Law was signed February 17, 2009
- HITECH: Title XIII of ARRA was given a subtitle: Health Information Technology for Economic and Clinical health Act (HITECH).

ARRA & HITECH Funding

- ARRA
  - $787 Billion federal stimulus package passed by Congress and signed by Obama in February 2009
- HITECH Act
  - $50 billion section of the stimulus package focused on funding and supporting widespread adoption of health information technology
  - $19.2 billion in spending on health IT
- MO-HITECH
  - $1 billion funding opportunity for Missouri over the next five years http://www.slideshare.net/learfield/mohitech-presentation

HITECH Act in effect: Implications for healthcare

- Incentives for adoption of EHRs
- Health Information Exchange (HIE)
- New privacy regulation

  (Subpart D of XIII) for HIPPA and non-HIPPA entities
- HI and HIT opportunities

HIPAA Security Enforcement: How HITECH has expanded HIPAA requirements

- Breach
  - – Determine if the breach involved PHI
  - – Breach of PHI (unauthorized)
  - – Does safe harbor apply
- Safe Harbor
  - – Notification is required for breach of unsecured PHI
  - – Two methods to secure PHI are encryption and destruction

HIPAA Security Enforcement: How HITECH has expanded HIPAA requirements contd

- Covered entities
  - – Be prepared to investigate the breach
  - – Provide a root cause analysis of the breach

    Document all your security issues / potential breaches
- Key number is 500
- Common issues:
  - – Access control and management
  - – Security awareness training and incident procedures
  - – Devices and media control

Expanded security rules that apply to CCRs

- Access control and Management
  - – NIST security checklist for remotely accessed PII or physically transported PII

    (http://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2006/m06-16.pdf)
- Devices and media control
  - – Encryption of all mobile devices
  - – No PII on mobile devices
- Security awareness training and incident procedures
  - – Documentation (Breach)

Central Cancer Registry

- HIPAA (1996) Health Insurance Portability and Accountability Act
  - – Security and Privacy
- OMB Protection of Sensitive Agency Information Memorandum
  - – Encrypt all data on mobile computers/devices
  - – Allow remote access only with two-factor authentication
  - – Use a time-out function for remote access
  - – Log all computer-readable data extracts from Databases that are holding sensitive information
- ARRA - HITECH (2009)
  - – Expanded security, privacy and breech guidelines

Central Cancer Registries Security Standards

- –NAACCR Standards
  - Structural requirements
  - Registry policies and procedures
  - Data use and release
  - Information technology policy and procedures
  - Disaster recovery
- –Federal Guidelines
  - VHA directive

Implications for CCRs – cont'd

- Assess security
  - – Security audit
- Develop an action plan
  - – Timelines
  - – Develop Security Team
  - – Develop Security Plan
- Key recommendations/ Security Plan
  - – Rethink and redo and restructure

Steps

- Security Team
  - Build your security team with a breach team subgroup
  - Develop your security plan
  - Start with a security assessment
  - Audit

Steps - cont'd

- Encryption
- Assess your software and hardware
  - Invest in state of the art equipment and security devices (mobile devices)
- Data storage and transmission
- Backups
- Include encryption procedures in your daily routine and training

Steps – cont'd

- Compliance with Security Requirements
  - Restructure and refine routines compliant with the new security requirements
  - Develop and incorporate security training for all employees
  - Extend your lessons learned to your business partners

Steps – cont'd

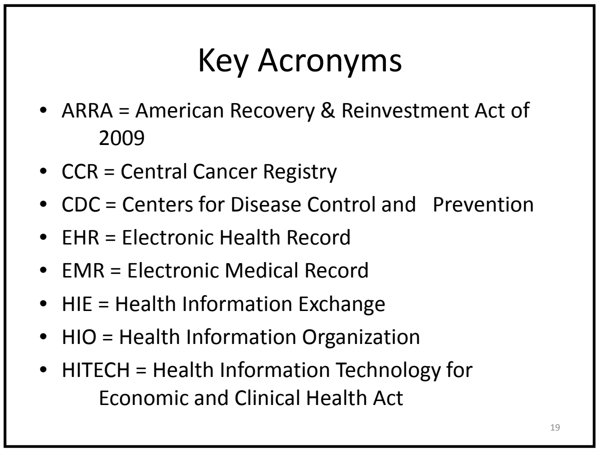
- Adapted applications
- Develop educational material
- Conduct training sessions
- Make resources available for reporting facilities

What it all means

- More audits
- Enforcement
- Tougher fines
- Accountability
- Copies of records
- "Minimum necessary" disclosures
- Marketing restrictions

Conclusion

- CCRs are established data repositories with a history in security and confidentiality
  - Expand security measures and become leaders in HITECH compliance
- CCRs are an effective and efficient data source for a wide range of public health research priorities
  - Reducing cancer disparities in cancer detection
  - Prevention and treatment
  - Surveillance



Key Acronyms

- ARRA = American Recovery & Reinvestment Act of 2009
- CCR = Central Cancer Registry
- CDC = Centers for Disease Control and Prevention
- EHR = Electronic Health Record
- EMR = Electronic Medical Record
- HIE = Health Information Exchange
- HIO = Health Information Organization
- HITECH = Health Information Technology for Economic and Clinical Health Act

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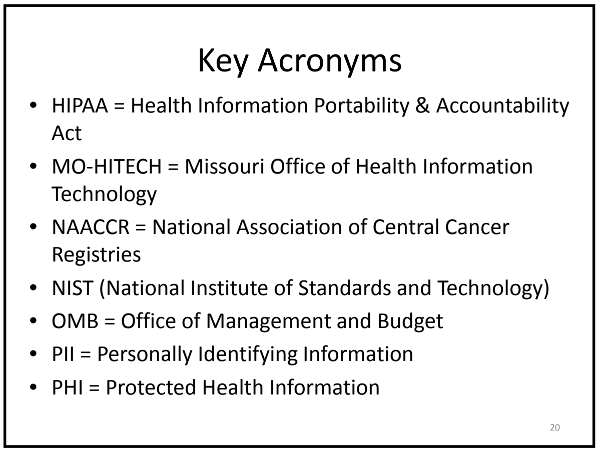

Key Acronyms

- HIPAA = Health Information Portability & Accountability Act
- MO-HITECH = Missouri Office of Health Information Technology
- NAACCR = National Association of Central Cancer Registries
- NIST (National Institute of Standards and Technology)
- OMB = Office of Management and Budget
- PII = Personally Identifying Information
- PHI = Protected Health Information

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