The Evolution of a Privacy Program - Been There, Done That and What's Next?

TMA Privacy Officer

HIMSS 2007
New Orleans, LA
February 25 – March 1, 2006

TRICARE
Management
Activity

Evolution of a Privacy Program

- Speaker Introduction
- Objectives
- Background
- Been There, Done That
- Lessons Learned
- Look Ahead – What's Next?

Speaker Introduction

- Joined TRICARE Management Activity in July 2001 and was appointed the HIPAA Privacy Implementation Officer
- Appointed Privacy Officer in August 2003, responsibilities include:
  - o HIPAA
  - o Freedom of Information Act
  - o Privacy Act
  - o Information Technology and Automated Data Processing Personnel Security
  - o Data Use Agreements
  - o Records Management
  - o Privacy Impact Assessments
  - o Privacy Compliance

Objectives

- Obtain a holistic understanding about federal privacy best practices
- Understand the key considerations for designing and implementing an enterprise-wide privacy compliance program
- Gain insights about each phase of a privacy program evolution and lessons learned
- Look ahead

Background
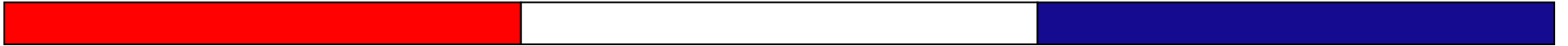
What is the MHS?

- **Military Health System (MHS)**
  - Healthcare entity for the Department of Defense (DoD)
    - Composed of multiple organizations
    - Diverse staff
    - Different policies and practices from the various organizational components
- **TRICARE Management Activity (TMA)**
  - Headquarters for TRICARE – the Department of Defense (DoD) health plan

MHS is a Provider, Payor, Government, and Life Sciences

Meeting your Health Care needs
World Wide

TRICARE

U.S. DEPARTMENT OF DEFENSE
MILITARY HEALTH SYSTEM
TRICARE: Your Military Health Plan
TRICARE

U.S. DEPARTMENT OF DEFENSE
Military Health System
A Healthy Fighting Force Supported By A Combat - Ready Healthcare System
Health Affairs

Rx **Pharmacy**
TRICARE

TRICARE Facts and Figures

Beneficiaries	• 9.2 million
Prime Enrollees	• 5.0 million
Direct Care Facilities	• 70 Military Hospitals/Medical Centers • 411 Medical Clinics • 417 Dental Clinics
MHS Personnel	• 132,500 Total • 44,100 Civilian • 88,400 Military
FY07 DoD Health Care Expenditures	• $37.1 billion

Source: TRICARE Stakeholders Report 2006

MHS - A Week in the Life

Inpatient Admissions	18,300
Outpatient Visits	1.8 million
Prescriptions	2.1 million
Births	2,200
Dental Procedures	104,000
Claims Processed	3.12 million
Weekly Bill	$711 million

Source: TRICARE Stakeholders Report 2006

What Makes MHS Unique?

- **Staff location, size and environment**
  - o Staff of 132,500+ individuals located worldwide (more for HIPAA training)
  - o Highly mobile with frequent changes in work location
  - o Facilities and beneficiaries stationed in many countries
  - o Conduct business in almost every time zone
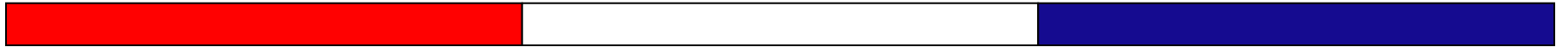 - o Perform work in multiple languages and must be knowledgeable of many diverse cultures

Our Commitment is the Driver

The TMA Privacy Office is committed to ensuring the privacy and security of patient information at every level as we deliver the best medical care possible to those we serve.
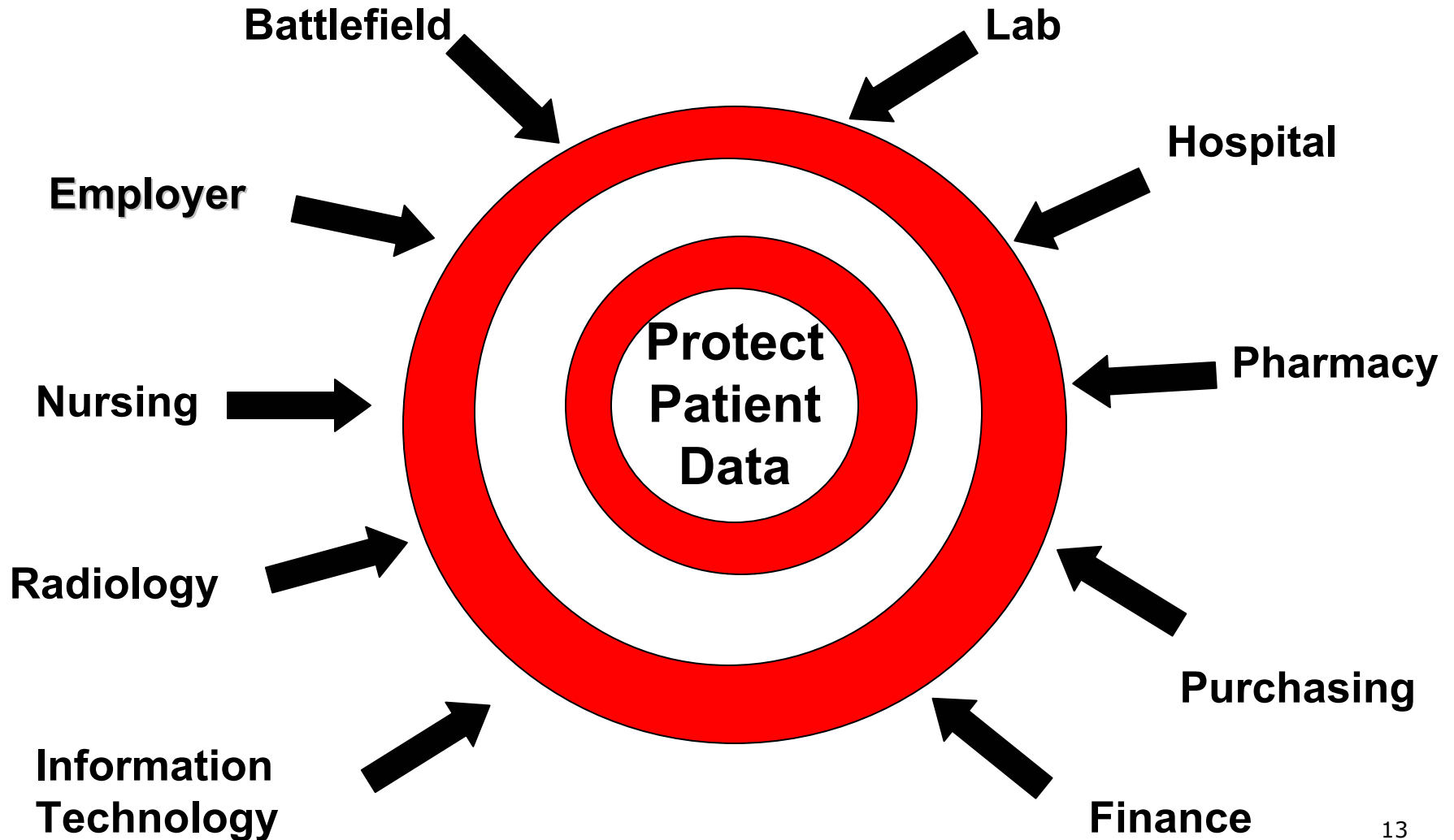
Been There, Done That

Why Privacy?

Battlefield

Lab

Employer

Hospital

Nursing

Pharmacy

Radiology

Purchasing

Information
Technology

Finance

Protect Patient Data

13

Holistic Understanding – The Big Picture

- Tri-Service military organization structure
- Privacy Office staff include:
  - o Multidisciplinary team of privacy and security expertise blended with medical and military knowledge and experience
- Integrated approach to meet the requirements for program management, system integration and training
  - o Staff possess varied functional capabilities
  - o Rely on contractors to augment TMA staff

Key Privacy Program Steps

- ❑ Design
- ❑ Implement
- ❑ Maintain
- ❑ Expand
- ❑ Monitor

Design – Conceive the Program

- TRICARE Management Activity (TMA) established:
  - o HIPAA Integrated Project Teams (IPTs) for implementation of HIPAA throughout the MHS
    - Privacy
    - Security
    - Transactions and Code Sets
    - National Provider Identifiers
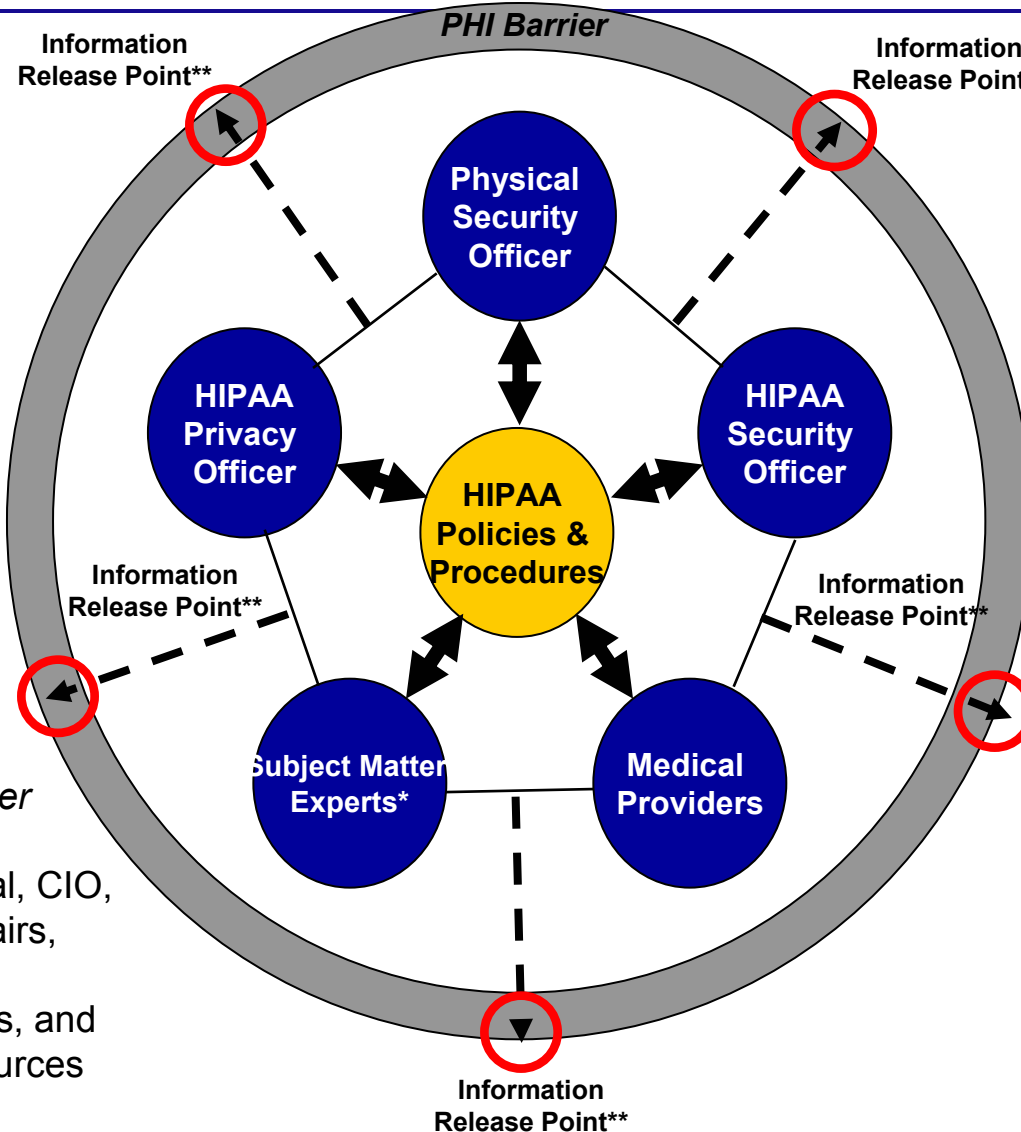 - o HIPAA Program Office to ensure appropriate resources and focus

Vision

Implement – Build over Time

- Met Privacy Rule expectations to:
  - o Provide standard/basic HIPAA privacy training to the 132,500 members of the global military healthcare workforce
  - o Ensure military hospitals and clinics worldwide had appointed a HIPAA Privacy Officer
  - o Train the appointed HIPAA Privacy Officers on compliance responsibilities
  - o Ensure, at a minimum, that baseline assessments were completed at each MTF

Implement - Core Network Needed

PHI Barrier

Information Release Point**

Information Release Point**

Physical Security Officer

HIPAA Privacy Officer

HIPAA Security Officer

HIPAA Policies & Procedures

Information Release Point**

Information Release Point**

Subject Matter Experts*

Medical Providers

*Subject Matter Experts can include: Legal, CIO, IT, Public Affairs, Patient Administrators, and Human Resources

** PHI release can occur when medical professionals speak with law enforcement, PAOs issue press releases, medical records staff speak with patients and families, etc.

Information Release Point**

18

Maintain - HIPAA Security and Privacy Practices

- Day-to-day activities
  - Policies and procedures
  - Roles and responsibilities assigned
  - Access management
  - Training and awareness
  - Risk management
  - Accounting of disclosures
  - Workstation security, etc.
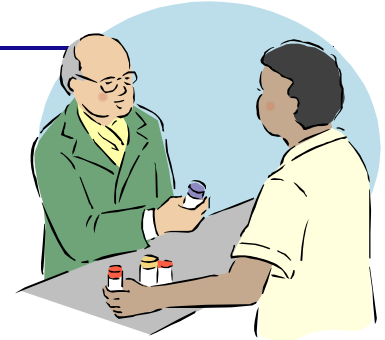
Maintain -HIPAA Resource Center

- **Posters**
  - o Patient rights
  - o Monthly message
- **Website**
  - o Information Papers
  - o Awareness Posters
  - o Policies
  - o Templates
  - o Briefings

Question visitors to protect patient privacy and safety

INTEGRITY
VISITOR CONTROL

Hospitals and clinics fill with people everyday. Take the time to ask lost or otherwise out-of-place individuals if they need assistance in finding their way. They won't mind if they have genuine reasons for visiting your facility. Patient privacy and safety will be ensured if you turn away persons who may have bad intentions.

My HIPAA Security Official is

www.tricare.osd.mil/tmaprivacy/hipaa/hipaasecurity

20

Maintain - Strong Privacy Communications Plan

Expand – Address New Needs

- Responding to regulations
  - o Security Rule compliance
  - o Privacy Impact Assessments (PIAs)
  - o FISMA requirements
  - o Office of Management and Budget (OMB) guidance
- Building a professional workforce
  - o Certifications
  - o Continuing Education Units (CEUs)

Expand - Privacy is a Journey — HIT* is One Destination

2004   2006   2008   2010   2012   2014

Point A

Point B

▸ Creation of interoperability consortium (beginning with NHIN RF

▸ Development of standards for EMR data exchange and communicatio

▸ **2014 Bush Administration goal: personal electronic medical record for every American**

▸ **4/05 HIPAA Electronic Health Information Security Standards**

▸ 4/08 Final e-prescribing standards defined by CMS

▸ 5/04 CHI Standards for electronic exchange of clinical data in government

▸ CMS E-prescribing

▸ 9/05 Initial e-prescribing standards defined by CMS

▸ E-prescribing mandatory for Medicare Part D plans

▸ 10/05 Commission on Systemic Interoperability Report

▸ **5/07 HIPAA National Provider Identifiers**

▸ **7/04 HIPAA National Employer Identifiers**

* Anticipated Health Information Technology (HIT) Adoption Timeline

23

Are We There Yet?

Monitoring is forever

Monitoring is forever

Monitoring is forever

24

Monitor - Continuous Cycle of Improvement Tracking
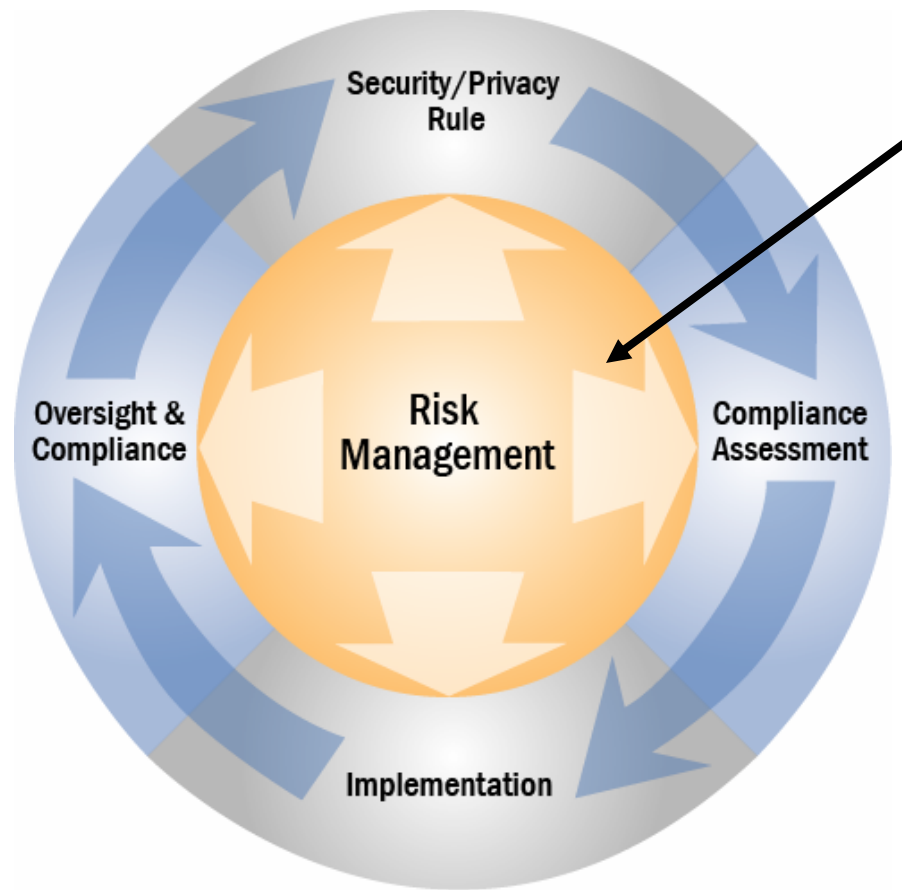
Ongoing cycle of risk management and improvement

Monitor - Compliance is the Next Frontier

■ Defining Compliance Office role
  - o Going beyond checklist compliance
  - o Oversight for a purpose
  - o Integration of the tools into business processes
  - o Measuring the management processes of the organization

■ Creating reporting methodology
  - o Detailed at the Facility level
  - o Dashboard for Senior Leadership Level

Lessons Learned
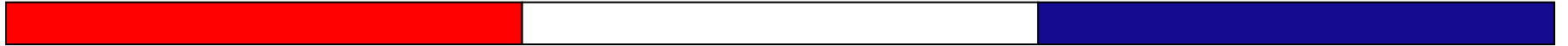
Training Lessons Learned

- No one single training delivery method will get the results you need.
- There must be a way to disseminate the latest training info quickly.
- Whenever possible use specific examples and scenarios to describe a concept or process.
- Develop instructional versus "vocational" training material and delivery.
- Use a 'train-the-trainer' methodology and utilize subject matter experts (SMEs) from the field to assist.
- There must be a way to receive the feedback on the training offered.
- Make accommodations for global audiences.
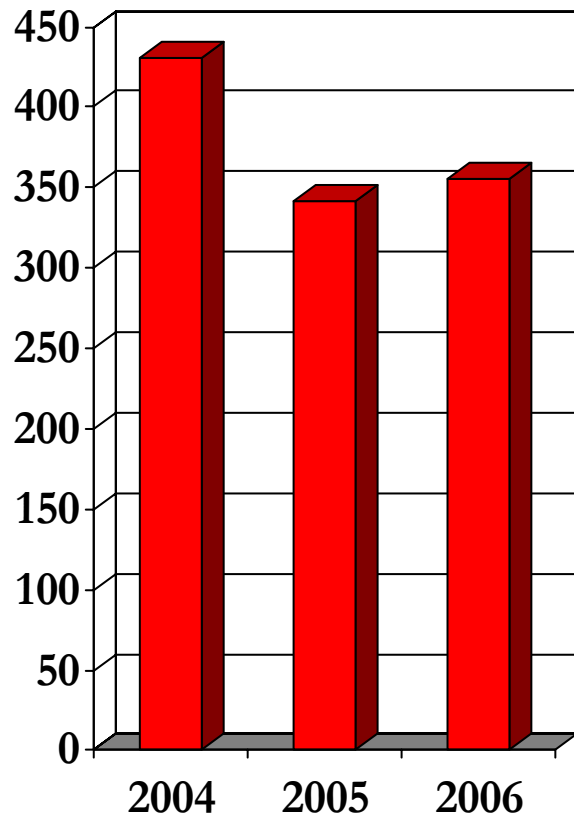
Training Trends
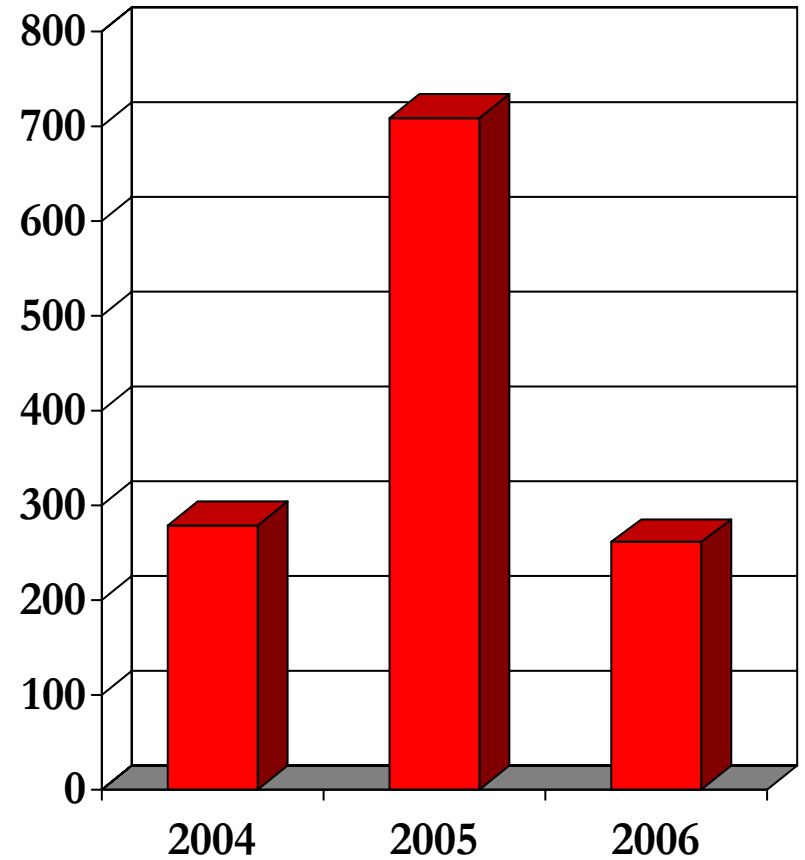
Annual Summer Training Conferences

2006 HIPAA TRAINING CONFERENCE

Road to Success....
Enhancing the way we do business in **Privacy and Security**

HIPAA ST

MY HIPAA PRIVACY OFFICER IS:

- Classroom lessons – theory

- War game exercise - practice

30

The TMA Training Participant Survey Demographics - 2006

- Total Recipients
  - 350

- Total Responses
  - 120

- Service
  - Army: 37
  - Air Force: 41
  - Navy: 35
  - Coast Guard: 3
  - TMA: 3

- Privacy Officer / Security Officer
  - PO: 50
  - SO: 40
  - Both: 24
- Experience
  - Less than 1 year: 47
  - 1-2 years: 45
  - 3-4 years: 20
  - 4+ years: 6
- Advanced / Beginner
  - Advanced: 61
  - Beginner: 58

Training Results Tell the Story
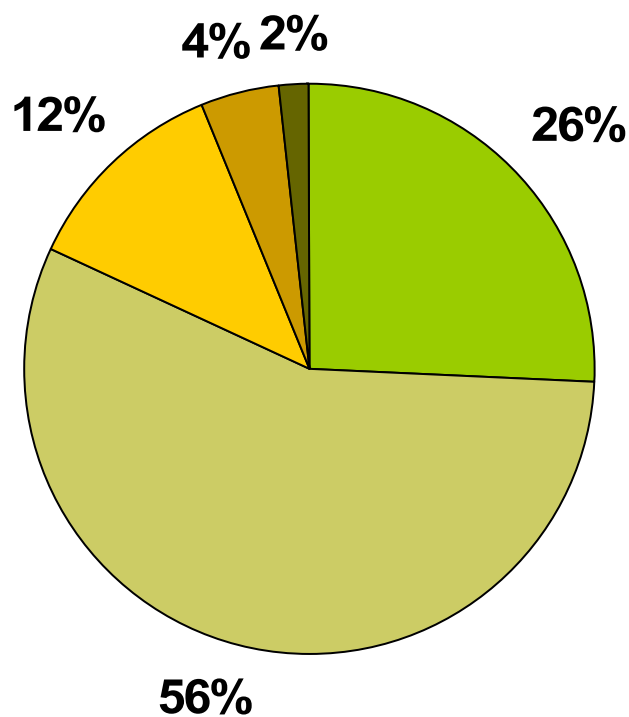
The content of the 2005 Annual Training Conference improved my understanding of HIPAA

Pie chart:
- 26% — Strongly Agree
- 56% — Agree
- 12% — Neutral
- 4% — Disagree
- 2% — Strongly Disagree

Legend:
- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

Award Winning Training Program

- **MHS received USDLA 21st Century Best Practices Award**
  - o Given to an agency, institution, or company that has shown outstanding leadership in the field of distance learning
  - o Challenged existing practice by developing new and innovative solutions for distance learning instruction and employee distance learning training programs

33

Look Ahead – What's Next
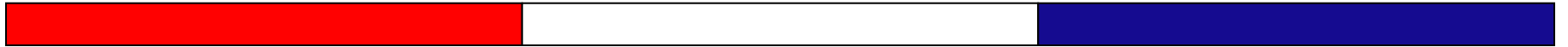
Action Required: Put on Your Radar

❑ Data Breaches

❑ Teleworking

❑ Changing landscape

Key take-away:

Be a privacy player

Inevitability of Data Breaches*

TRICARE Management Activity

14,000 beneficiaries' identifiable information **compromised**

Marriott

200,000 customer names, social security numbers and credit card data **lost**

196,000 customer social security numbers, names, birthdates and addresses **lost**

Fidelity Investments

American Red Cross

1 million personal records **stolen**

573,000 state employee records **stolen**

Georgia Technology Authority

United States Department of Veterans Affairs

26.5 million veteran and active duty military records **lost**

36

Nearly 100 million records impacted

TRICARE Management Activity

200,000 customer names, social security numbers and credit card data **lost**

14,000 beneficiaries' identifiable inform...

196,000 customer s... security numbers, ... birthdates and add...

97,148,596 records containing sensitive personal information have been involved in security breaches (From the period April 15, 2005 to November 8, 2006).*

personal ...ds **stolen**

records **stolen**

Georgia Technology Authority

UNITED STATES DEPARTMENT OF VETERANS AFFAIRS

26.5 million veteran and active duty military records **lost**

*Source: Privacy Rights Clearinghouse, http://www.privacyrights.org/ar/ChronDataBreaches.htm#Total

Increasing Telework

- Debate about how to count teleworkers continues
  - According to an IDC* study, 8.9 million Americans worked at home for a corporate job at least three days a month in 2004
  - The Industrial and Technology Assistance Corporation (ITAC) estimates 45.1 million Americans worked from home but used different criteria
  - Trending upwards…by all estimates

*Source: http://www.idc.com/about/about.jsp

Appropriate Security Mechanisms are Needed for Telework

Security Mechanisms*
Anti-Virus Software
Spyware Removal Tools
Firewall
Encryption Software
Securing Operating System
Secure Operation of Wireless Networks
Virtual Private Network Software
Security Tokens/Authentication Devices

*Representative – differs for Federal agencies, DoD, and commercial entities

Changing Landscape

| Economic:	Technological:
■ Military Deployments ■ Resource Constraints ■ Rising healthcare costs ■ Global Pressures	■ Regulations on Technology ■ More Remote Access ■ Skill Level of Workforce ■ Technology Availability
Political – Legal: ■ Regulations – FISMA, OMB ■ Mandates ■ More data sharing Other Government Policies ■ Legal Implications	**Sociocultural:** ■ Lifestyle – More telecommuting ■ Attitudes and Beliefs – 24/7 ■ Demographics – Aging workforce ■ Status Symbols - Blackberry

Key Takeaway: Be a Privacy Player

- **Understand the external forces**
  - o New legislation and regulations
- **Keep abreast**
  - o American Health Information Committee (AHIC)
    - Confidentiality, Privacy and Security Workgroup
  - o Patient Safety Work Groups
  - o Transparency and Quality Groups
- **Stay engaged**
  - o HIPAA Summit
  - o HIMSS
  - o TRICARE Conference

Questions?
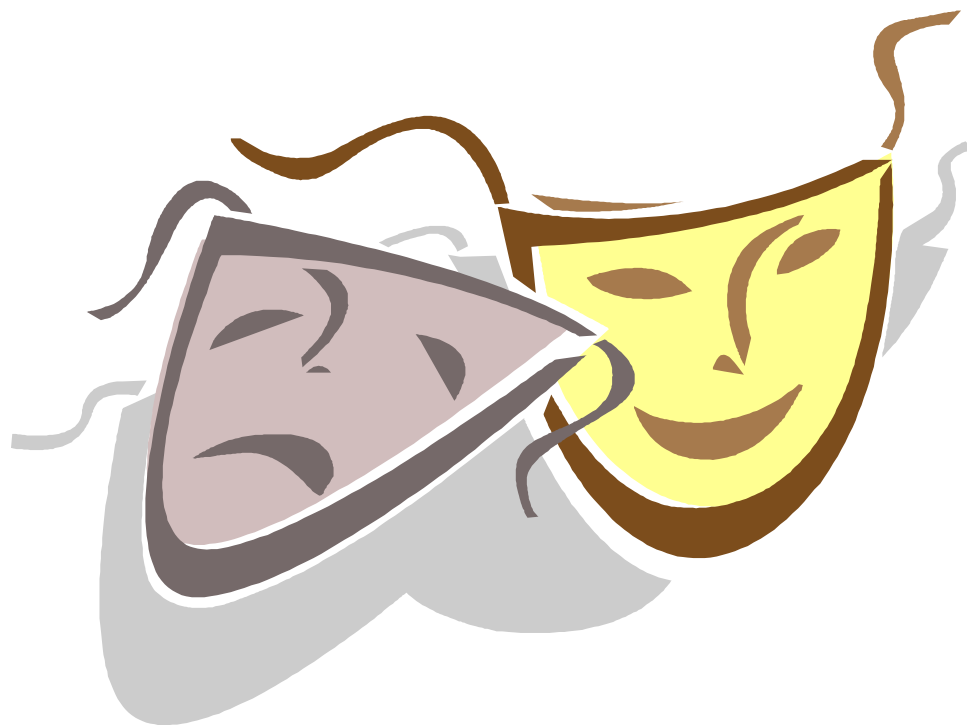
Resources

- TMA Privacy Web Site: www.tricare.osd.mil/tmaprivacy/HIPAA.cfm
- TMA Privacy Office: privacymail@tma.osd.mil

THANKS!!!

HEALTH AFFAIRS

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