



The Office of the National Coordinator for  
Health Information Technology



# ONC Privacy & Security Policy and Project Update

NCVHS November Committee  
Meeting  
November 13th, 2013

Laura Rosas, JD, MPH  
Office of the Chief Privacy Officer



Office of the Chief Privacy Officer

The Office of the National Coordinator for  
Health Information Technology

## Policy Update:

- Accounting of Disclosures Tiger Team Discussions

## Projects Update:

- Update on a subset of OCPO projects
  - Meaningful Consent Website
  - eConsent Toolkit & Video Series
  - Models of Notice of Privacy Practices (NPP)



- **Hearing Observations**

- Importance of transparency – but questions about feasibility and value of access reports
- Patient right to have an investigation of concerns, access copies of data about them

## Key Hearing Points



- Transparency to individuals about the uses and disclosures of their health information is important for building trust in health IT.
  - Such transparency should be done in a way that is understandable to individuals, including those with disabilities and and those for whom English is not their primary language.
  - Patient representatives at the hearing testified that patients want the kind of transparency of record access proposed in the NPRM access report.
  - Patient representatives also emphasized the importance of access to information about them in EHRs

## Key Hearing Points



- It's not clear that patients want, or would find value in, the deluge of information likely to be produced by the NPRM access report.
  - Today, patients rarely ask for such reports - although it's not clear whether this is because the reports available today do not include much valuable information, patients are not aware of their right to ask for such a report, or some other factor.
  - It seems unwise to impose a new access report mandate, particularly given the potential costs, given how little we know of how much patients would request such reports.

## Key Hearing Points



- All seemed to agree that patients should have the right to a full investigation of complaints about inappropriate access; such an episodic response could be more effective at addressing patient concerns versus building in expensive technology to produce a report that (1) may be less helpful in ferreting out inappropriate access (buried in reams of material) and (2) would be expensive to build for the few occasions where it is needed.
- Concerns were also raised about providing patients with the names of individual users who had accessed their health information. Questions were raised about whether the OECD principles, the Fair Credit Reporting Act, or the Privacy Act of 1974 provide this type of access

# Meaningful Consent Website Now Available



- Geared toward providers, health information exchange organizations (HIEs), and other health IT implementers
- Gives background on meaningful consent and ONC's eConsent Trial Project
- Provides customizable tools and resources to help you enable patients to make meaningful consent decisions
- Two main components:
  - Meaningful Consent Overview
  - eConsent Toolkit



# eConsent Toolkit



Provides background on eConsent Trial Project and contains downloadable tools and resources:

## Planning Resources

- Practical implementation tips
- Example patient survey
- Focus group facilitator's guide

## Educational Materials, Text, and Stories

- Interactive videos that patients viewed prior to making consent decisions
- Non-interactive versions of the videos
- Text for all videos

## Technical Tools

- Story Engine open-source software used to create the videos
- Architectural analysis and technical standards summary of what is needed to run Story Engine
- Installation and user's guides for Story Engine





# eConsent Video Series



**First set** provides overview of eConsent Trial Project and sample patient experience



Overview of the eConsent Trial Project



Understanding a Sample Patient Experience in the eConsent Trial Project



eConsent Trial Project Overview and a Sample Patient Experience

---

**Second set** is tutorial on how to use Story Engine open source tool to create interactive videos.



Part 1 of 4: Getting Started



Part 2 of 4: Creating Pages



Part 3 of 4: Building Stories

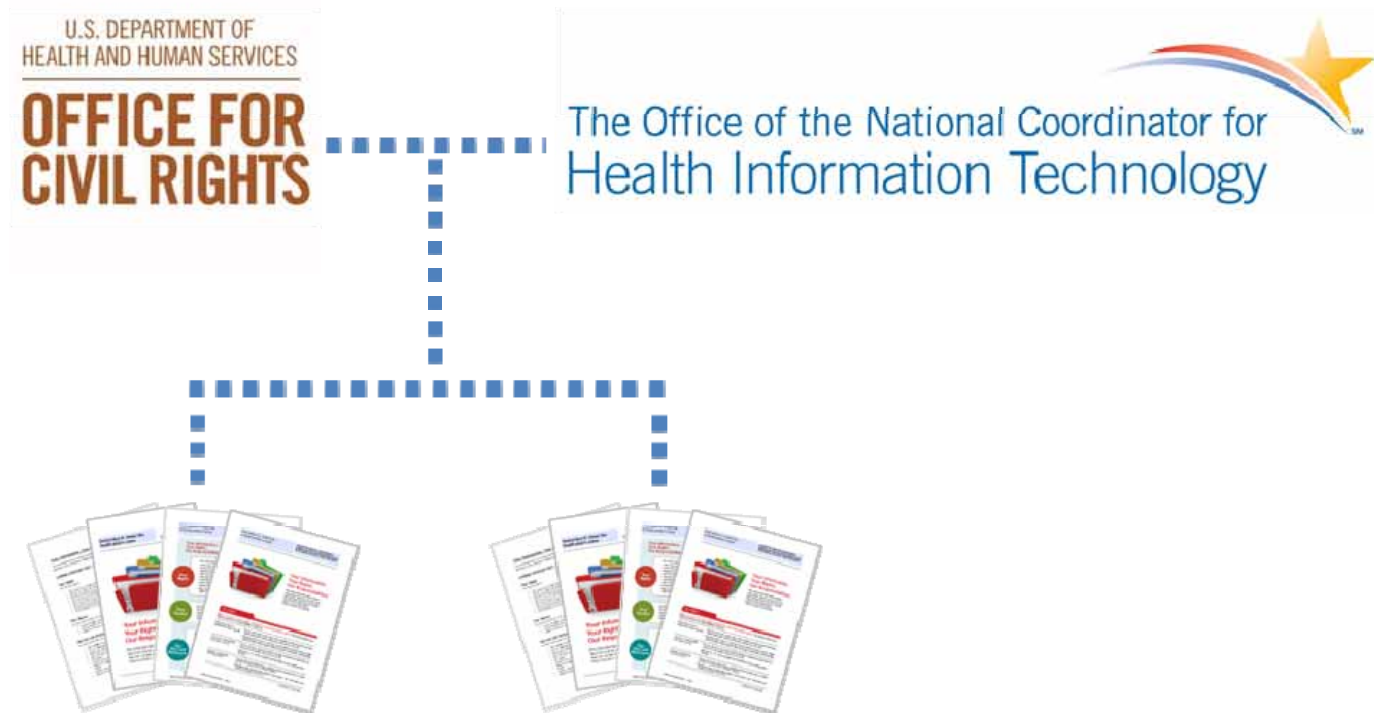


Part 4 of 4: Viewing Stories

# Models of Notice of Privacy Practices



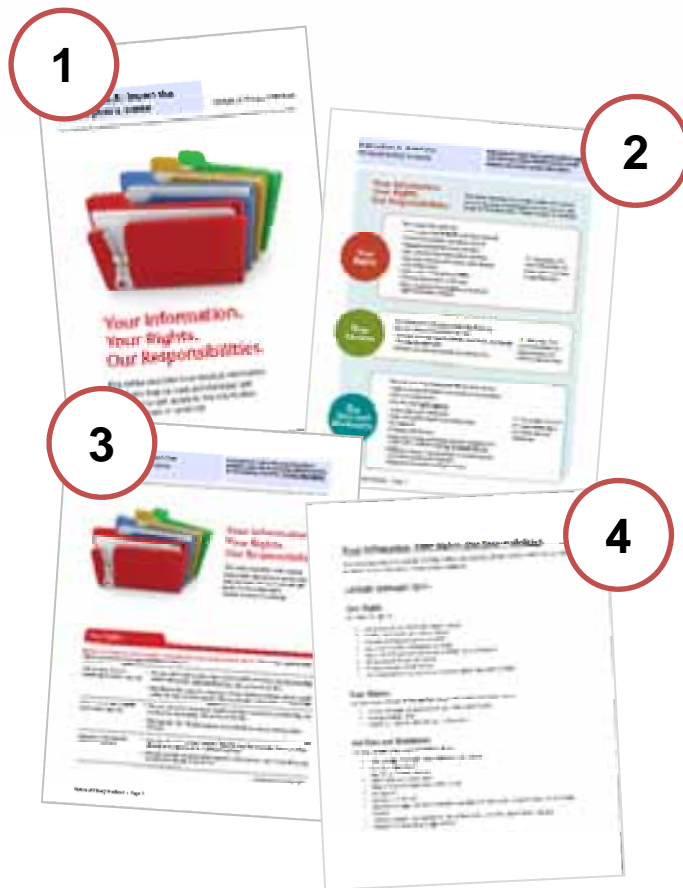
The Office for Civil Rights (OCR) and Office of the National Coordinator for Health Information Technology (ONC) collaborated to develop model NPPs for covered entities to use:



✓ One set for health plans

✓ One set for health care providers

# Types of Models Available



1. **Booklet** – Presents the material in booklet form with design elements
2. **Layered Notice** – Presents a summary of the information on the first page, followed by the full content on the following pages
3. **Full Page** – Has the design elements found in the booklet, but is formatted for full page presentation
4. **Text Only** – Provides a text-only version of the notice

<http://www.hhs.gov/ocr/privacy/hipaa/modelnotices.html>

## New Video Game Launched October 2013



- **2<sup>nd</sup> Video Game in “Cybersecure Your Practice”**
  - Designed to raise security awareness for providers, health professionals and staff
  - Developed in coordination with OCR
  - Focuses on Contingency Planning, Back-Up and Recovery
  - Available at [www.healthit.gov/providers-professionals/privacy-security-training-games](http://www.healthit.gov/providers-professionals/privacy-security-training-games)

# Contingency Planning



 **Cybersecure**  
Contingency Planning



We aren't located in a flood plain or where there are a lot of hurricanes. We don't have to worry about any other kinds of risks, do we?

**make decision**



QC



# New Video Game to Launch October 2013



## Cybersecure Contingency Planning



No, you only have to plan to respond to natural disasters, like tornadoes, floods and wildfires.

Not if you have insurance.

No, why waste your time planning for something that is not likely to happen.



Yes, if you don't plan for threats like fire, vandalism, or power outages, your information may be vulnerable to loss or damage.



QC





Questions?