



National Committee on Vital and Health Statistics

Advising the Secretary of Health and Human Services
on health information policy since 1949.

Privacy Confidentiality and Security Subcommittee

February 24, 2015



Subcommittee on Privacy, Confidentiality and Security

- Linda L. Kloss, M.A., RHIA, Chair
- John J. Burke, M.B.A., MSPHarm
- Vickie M. Mays, Ph.D., M.S.P.H.
- Sallie Milam, J.D., CIPP/G
- Walter G. Suarez, M.D., M.P.H.
- Maya Bernstein, J.D., ASPE*
- Amy Chapper, J.D., CMS
- Gail Horlick, M.S.W., J.D., CDC
- Hetty Khan, M.S., MGA, R.N., NCHS
- Kathryn Marchesini, J.D., ONC



Agenda

- 3:50 – 4:30 p.m. • Discuss draft Hearing on Section 1179 of HIPAA
- 4:30-4:50 p.m. • Plan for dissemination of the *Toolkit for Communities Using Health Data*
- 4:50 – 5:15 p.m. • Subcommittee development and 2015/2016 Work plan



§ 1179

- To develop a letter to the Secretary regarding HIPAA § 1179 and financial institutions
 - Suggested by ONC (Joy Pritts at June meeting), OCR
 - Important area of confusion
 - Convergence with standards
 - Relatively limited issue; in Subcommittee's bandwidth
- Work plan
 - Hearing May 6 all day, morning of May 7
 - Draft letter for Fall meeting



Draft Hearing Agenda

HEARING PURPOSE

Section 1179 of the Health Insurance Portability and Accountability Act (HIPAA) creates an exclusion from adherence to HIPAA and accompanying rules when a financial institution is “engaged in authorizing, processing, clearing, settling, billing, transferring or collecting payments.” The purpose of this hearing is to review the current application of Section 1179 by financial institutions and compliance issues relating to the evolution of services involving protected health information being performed today by financial institutions.

The objectives of this hearing are as follows:

- Increase awareness of current practices involving protected health information and the ways in which Section 1179 are being interpreted;
- Review, discuss and consider for recommendations, practices relating to 1179
- Formulate recommendations for the Secretary



Draft Hearing Agenda, May 6

9:00 to 9:15 a.m. Introductions and Opening Remarks – *Linda Kloss, Chair*

9:15- 9:45 a.m. Briefing/Overview

CMS – Todd Lawson?

OCR?

Joy Pritts or Sue McAndrew or someone from outside?

9:45 – 11:00 a.m. **Panel I – Financial Institutions and Clearinghouses**

Panelist One, American Bankers

Panelist Two, FINRA?

Panelist Three, Fannie/Freddie/Sallie?

Panelist Four, NACHA, NACHA, financial clearinghouses?



Draft Hearing Agenda, May 6

11:00 – 12:15 p.m. **Panel II — Covered Entities**

Panelist One, AHIP

Self-insureds -- Intel/Walmart/ATT, association

Health Care Financial Management Association/CFOs

HIMSS/Medical Record Banking Project – now defunct?

Consider AHA, assoc of large pharmacies like CVS?

Lunch

1:15 – 2:30 p.m. **Panel III — Clearinghouses and Payment Services**

Amazon

PayPal

Apple pay

One Wallet

Do automated financial clearinghouses go here?



Draft Hearing Agenda, May 6

2:30 – 3:45 p.m. **Panel IV — Privacy Thought Leaders**

Joy Pritts?

Center for Democracy and Technology

Pam Dixon, World Privacy Forum

Peter Swire, Georgia State U

CFPB person - ??

Medical Banking

Kirk Nahra, Wiley, Rein

Dierdre Mulligan, Berkeley Center on Law and Tech

Nic Terry?

3:45 -4:00 pm Public comment period

4:15 - 5:00 p.m. Recap themes and frame Subcommittee discussion next day



Draft Hearing Agenda, May 7

9:00 to 9:15 a.m. Opening Remarks – *Linda Kloss, Chair*

9:15 – 10:30 a.m. Review themes and identify potential recommendations and additional information needs

10:45 – 11:45 a.m. Frame letter to the Secretary and reach consensus on the timeline and next steps

11:45 – 11:55 a.m. Public comment period

Noon Adjourn



Toolkit Dissemination

Goals:

- Reach community stakeholders and those who support their work
- Encourage stakeholders and advisors to use in their work
- Gather examples of how the Toolkit has been used
- Solicit feedback on ways in which it might or has been strengthened for particular applications



Toolkit Dissemination

Channel	Approaches	Timing
NCVHS	<ul style="list-style-type: none">• As PDF on Web (with survey pop up and feedback loop?)• PowerPoint for use by staff and Committee members• Circulate to interested individuals and organizations in Committee member circles	March
Stakeholders participating in this NCVHS work	<ul style="list-style-type: none">• e-letter of thanks with Toolkit PDF (Encourage them to post or link and share feedback)	April
Governmental agencies	<ul style="list-style-type: none">• Present to HHS Data Council and other interested groups• Speak at NCHS conference• Communicate with ONC and ONC FACAs	
Private sector organizations	<ul style="list-style-type: none">• Press release with link and one-pager• Blog and newsletter piece• Offer webinar or presentations• Offer Twitter chat• Relevant Linked in sites such as RWJ, health information groups	May
Public awareness	<ul style="list-style-type: none">• Publish as a Kindle e-book, Amazon short, etc.• Create Snap guide• Tweet campaign	June



HIPAA State of Play

- To develop a letter to the Secretary surveying the state of HIPAA understanding and implementation among small providers and other covered entities not large health care systems or payers
 - Suggested by OCR
 - Will be helpful with NCVHS HIPAA report responsibilities
 - Important unexplored area; OCR is concerned that outside of the larger entities, many just “don’t get it”
- Work plan
 - Hearing in Q4



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Q1 February 24-25 (Tues, Wed)	Q2 May 27-28 (Wed, Thurs)	Q3 September 16-17 (Wed, Thurs)	Q4 November 18-19 (Wed, Thurs)
<p><u>TOPICS</u></p> <ul style="list-style-type: none"> • Prepare for Section 1179 HIPAA Exemption for Financial Institutions; discussion on HIPAA • Prepare/execute dissemination plan for Toolkit • Continue data stewardship work with other Sub-committees and the WG <p><u>ACTIVITIES (HEARINGS, WORKSHOPS)</u></p> <ul style="list-style-type: none"> • Prepare for Hearing, participate in dissemination of Toolkit <p><u>LETTERS/REPORTS</u></p> <ul style="list-style-type: none"> • First phases of Toolkit dissemination 	<p><u>TOPICS</u></p> <ul style="list-style-type: none"> • Finalize and conduct 1179 Hearing; • Discuss and begin framing HIPAA Privacy/Security State of Play hearing; • Continue Toolkit dissemination; • Continue data stewardship work with other Sub-Committees and Data Access WG <p><u>ACTIVITIES (HEARINGS, WORKSHOPS)</u></p> <ul style="list-style-type: none"> • Conduct 1179 Hearing • Draft May hearing letter <p><u>LETTERS/REPORTS</u></p> <ul style="list-style-type: none"> • Toolkit dissemination continues 	<p><u>TOPICS</u></p> <ul style="list-style-type: none"> • Finalize letter on 1179 hearing; • Continue design of HIPAA Privacy/Security hearing; • Continue data stewardship work with other Sub-Committees and WG • Track input on Toolkit <p><u>ACTIVITIES (HEARINGS, WORKSHOPS)</u></p> <p>None</p> <p><u>LETTERS/REPORTS</u></p> <ul style="list-style-type: none"> • NCVHS consideration of Letter from 1179 Hearing 	<p><u>TOPICS</u></p> <ul style="list-style-type: none"> • Finalize and conduct HIPAA Privacy/Security Hearing • Continue data stewardship work with other Sub-Committees and WG • Summarize insights from Toolkit dissemination • Work plan for 2016 <p><u>ACTIVITIES (HEARINGS, WORKSHOPS)</u></p> <ul style="list-style-type: none"> • Conduct hearing on HIPAA Privacy/Security <p><u>LETTERS/REPORTS</u></p> <ul style="list-style-type: none"> • None (letter from HIPAA Privacy / Security State of Play to be completed in Q1 2016)



- Subcommittee Development
 - Co-chair
 - Additional members of the Full Committee