The HI Professional's Role in Health Data Access Privacy & Security

Mona Calhoun, PHD, MS, Med, RHIA, FAHIMA

Chairperson Health Information Management, Coppin State University

President/Chair, AHIMA Board of Directors

9/19/2024

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Who We Are

- Global nonprofit association of health information (HI) professionals

- Leading voice and authority on health information in the healthcare industry

- Our mission is to empower people to impact health

Health Information Professionals

Data Quality coder, coding auditor, clinical documentation improvement specialist **Revenue Cycle Management** medical biller, revenue integrity specialist, director of revenue cycle management **Privacy, Risk & Compliance** privacy officer, release of information specialist, compliance officer, vice president or director of health information management **Informatics** clinical data specialist, health informatics specialist, clinical systems analyst **Data Analytics** health data analyst, chief data officer, clinical data manager **Consumer Health Information** patient navigator, patient service representative, community health worker, medical records clerk
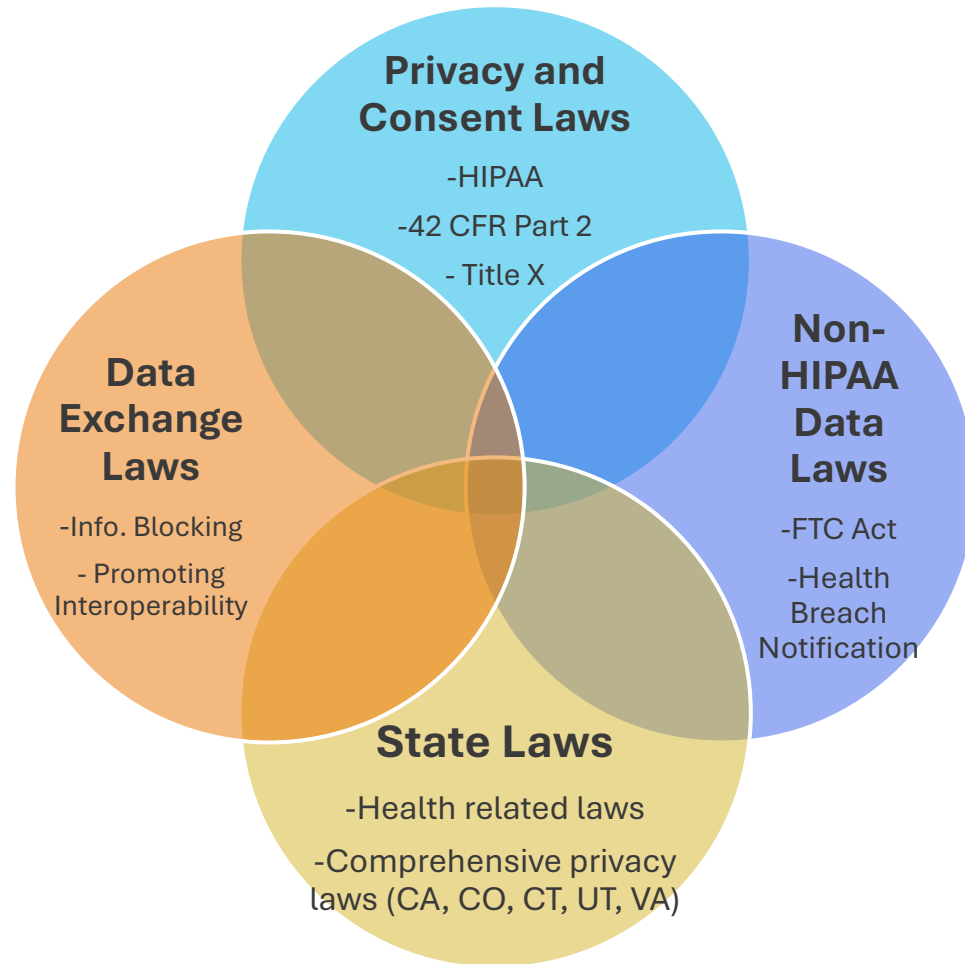
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HI Professional's Role in the Health System

- HI professionals are often the first line of health data creation and management including:
  - Compiling, maintaining, and protecting medical records;
  - Processing release of information, HIPAA right of access requests
  - Claims processing; and
  - Inputting, monitoring, analyzing data for research and reporting, among other key roles.

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3

AHIMA's Role in Coding

- One of the designated Cooperating Parties for ICD-10 Coding guidance
  - With CMS, National Center for Health Statistics, and the American Hospital Association
- Participation in a variety of coding usages and standardization activities in the US and internationally
- Preeminent source of coding education and professional education
- Standards of Ethical Coding
- Engaged in standards development and use for administrative data

Complex Compliance Environment

Privacy and Consent Laws
- HIPAA
- 42 CFR Part 2
- Title X

Non-HIPAA Data Laws
- FTC Act
- Health Breach Notification

Data Exchange Laws
- Info. Blocking
- Promoting Interoperability

State Laws
- Health related laws
- Comprehensive privacy laws (CA, CO, CT, UT, VA)

- HI professionals' work comes into contact with different laws from ASTP (formerly ONC), CMS, OCR, FTC, and states.

- One transaction may touch multiple laws and conflict at some points.

- Creates challenges for privacy and consent as HI professionals may err on the side of denying or delay requests to comply with every law.

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Shifting Landscape

- Data is being exchanged more often in more ways than ever before.

- The speed at which data moves has created a complex regulatory environment.

- The advent of nationwide exchange platforms like TEFCA creates a greater need of certainty of privacy/consent rules.

- Patients have more access to their data than ever before in useable ways.

- Deployment of new tools and technologies (E.g.--AI) raises additional privacy/consent considerations

HI Professionals Work in a Complex Compliance Landscape

- 2023 qualitative survey conducted by L&M Policy Research on information blocking implementation

- Demonstrates HI professionals' value when navigating and operationalizing new and complex policy environments.

Key findings—
  - Cross-functional groups critical for collaboration & operationalization
  - Need to ensure leadership support & governance
  - Ongoing training, communication & education is critical
  - HI professionals played central role as lead collaborator.

Improvements to HIPAA Are Needed

- Scope of health information has expanded.

- Increasing number of consumer-facing technologies, applications, products, and services not covered by HIPAA.

- With the expanding world of big data and data analytics, entities are amassing large data sets from sources within and beyond HIPAA.

- Patchwork of state and federal laws governing health information creates difficult compliance environment due to variability.

Areas for Future Inquiry by NCVHS

- Enhance understanding of how HIPAA interacts with broader privacy laws under consideration.

- Determining the best path forward for the protection of health data once it leaves a HIPAA-governed environment.

- Explore opportunities to coordinate health data exchange oversight and enforcement.

Questions?

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