

HIMSS

transforming healthcare through IT

architects of change

Privacy and Security Implications for HIEs

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HIMSS

Today's Landscape

- Electronic administrative transactions are now standard practice
- Electronic Health Records (EHRs) have been widely adopted by large health systems and are now penetrating into private practices
- Health Information Exchanges (HIEs) are springing up throughout the country, facilitating EHR data sharing, e-prescribing, public health surveillance, and other shared services
- Security risks are ubiquitous, and increasingly nefarious
 - Virtually everyone is targeted by spyware on a daily basis, and many have been victimized by identity theft
 - Both techno-savvy and not-so-savvy consumers now recognize that the use of computers introduces new risks to their health information and their personal privacy

P&S Implications for HIEs

- **Privacy**
 - Policy
 - Consent
- **Security**
 - Confidentiality
 - Integrity
 - Availability
 - “Trust Equation”
- **Governance/Accountability**
 - HIE responsibility
 - Reflection in contracts/governance model

P&S Implications – (cont.)

- Legal and Regulatory
 - HIPAA
 - BAs
 - Minimum Necessary
 - Issues specific to HIEs
 - ARRA (HR 1) – HITECH Act
 - HIEs are BAs
 - BAs covered directly by HIPAA
 - Breach notification statute
 - Minimum necessary/Limited Data Set statute
 - Accounting of Disclosures statute
 - State Laws
 - Enforcement

P&S Implications – (cont.)

- Consumer Perspective
 - Consumer Empowerment
 - Consumer control: consents, etc.
 - Consumer benefit: what do consumers gain from participation
 - Other consumer elements: trust, privacy, security, literacy, etc.

Resources on ARRA

- “One-stop Shop” on the ARRA:
himss.org/EconomicStimulus
- Summary
himss.org/content/files/HIMSSSummaryOfARRA.pdf
- Analysis
himss.org/EconomicStimulus
- FAQs
himss.org/EconomicStimulus/docs/HIMSS_FAQs_ARRA.pdf
- HIMSS09 Sessions on ARRA
himssconference.org/education/ESPSessions.aspx
- HIMSS P&S Toolkit
<http://www.himss.org/ASP/privacySecurityTree.asp?faid=78&tid=4>