

Welcome to ...



GA^eHealthInfo
Secure. Private. Accessible.

Electronic Health Information

Secure. Private. Accessible.

Everything you need to know about the security and privacy of your electronic health information.

Welcome to ...

Conducted for:

Sponsored by:

Speaker:



Electronic Health Information

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Everything you need to know about the security and privacy of your electronic health information.

Session Objectives/ Outcomes

- To promote consumer awareness of electronic health records
- To promote consumer awareness of the security and privacy of electronic health records
- To increase consumer trust in the security and privacy of electronic health records

Session Outline

- Consumer-Friendly Health Information Technology Terms
- Benefits of Electronic Health Records
- Security of Electronic Health Records
- Privacy of Electronic Health Records
- Access to Electronic Health Records
- Privacy and Security Laws (federal and state)
- Privacy Violations and Penalties
- Consumer Empowerment

American Hospital Association, 2007

68 percent of hospitals had fully or partially implemented Electronic Health Records (EHRs).



Federal Mandate of 2014

Widespread adoption of health information technology by 2014.

President Barack Obama promotes the expansion of health information technology as one part of a comprehensive health reform program.



Executive Order

Creation of the **Health Information Technology and Transparency (HITT) Advisory Board.**



Governor Sonny Perdue
October 2006

Mission

Advise the Georgia Department of Community Health (DCH) on:

- encouraging the use of electronic health records
- establishing a **statewide strategy** to enable health information to be readily available and transparent

Goal for Health Information Technology in Georgia

Focus: The Consumer

End Goal: A Healthier
Georgia for all citizens



Basic Health Information Technology Terms

- Electronic Health Record (EHR)
- Health Information Exchange (HIE)
- Security
- Privacy
- Accessibility



Summary of Key Terms for Consumers

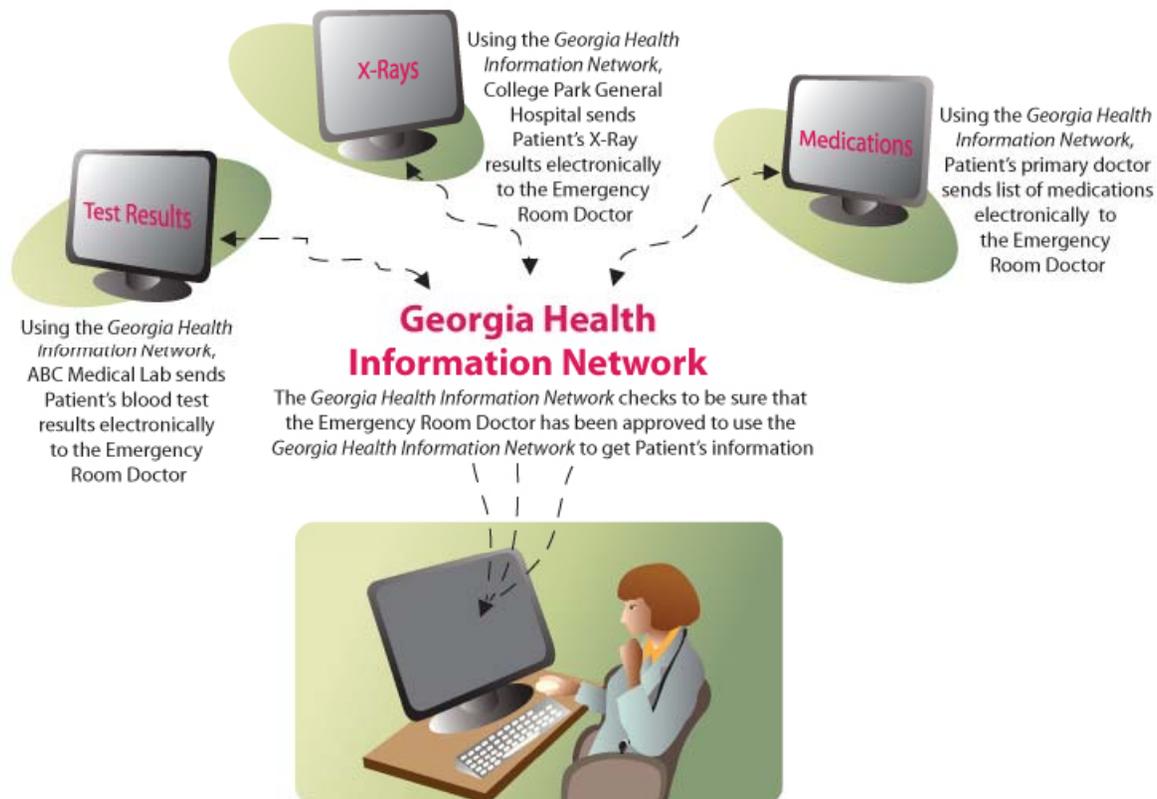
Electronic Health Record (EHR)- A record of your health information that is kept on computer and that **can be shared among health care organizations.**



Summary of Key Terms for Consumers

- Health Information Exchange (HIE) – Using computers to share health information **among** organizations.

Electronic Health Records over a Health Information Exchange



Summary of Key Terms for Consumers

Security – Processes, practices and software that protect health information from unauthorized access or alteration.

Summary of Key Terms for Consumers

Privacy – A person's right to protect the confidentiality of his/her health care information.

Summary of Key Terms for Consumers

Accessibility – A person's right to control the availability of his/her health care information.

Paper Records or Electronic Records?



Consumers Prefer Electronic Health Records

55%	Prefer electronic records to paper
60%	Prefer storing their electronic records in a central location that allows sharing among authorized health care providers
43%	Would access their health records and information by computer, if available

Source: 2008 Health Confidence Survey of the Employee Benefit Research Institute.

What's in an Electronic Health Record?

Patient Contact
Medical History
Medications
Laboratory Test Results
Allergy Lists
Billing Records
Other?



Frequently Asked Questions (FAQs)

How will having my health information on computer (rather than on paper) benefit me?

Benefits of Electronic Health Information

Oregon Video

Produced to illustrate issues related to
privacy and security in a hospital setting

Advantages of Electronic Health Records

- Stronger privacy and security of information (access control)
- Quicker access to accurate and complete medical history data by patient and health care professional
- Increased quality of care – notes about care are easier to read and reduce risk of errors
- Efficient use of physical space – elimination of paper records and charts
- Reduction in duplication of lab tests, imaging, and other services
- Improved emergency backup and recovery

Better Care – Cost Savings

- 1 in 7 hospitalizations are due to unavailable medical records (estimate)
- 1 in 5 lab tests repeated due to unavailable results at the point of care
- 6 percent per year improvement in efficiency (estimate) due to electronic health records
- Monthly cost of electronic health record offset by cost of only a few unnecessary tests or hospital admissions

** Sources: Health Econ Policy Law Journal
Ash Institute for Democratic Governance*

Emergency Backup and Recovery



Paper Records versus Computer Records

Frequently Asked Questions (FAQs) about Electronic Health Information

Is it **Secure**?

Is it **Private**?



Is it **Accessible**?

FAQs about My Electronic Health Information

- What safeguards are in place to protect the security and privacy of my electronic health record?
- Will I be able to access my electronic health record?
- Will I be able to control what goes into my electronic health record?
- Will I be able to control access by others to my electronic health record?

FAQs about My Electronic Health Information

Secure. Private. Accessible.

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FAQs about My Electronic Health Information

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- Who currently has access to my electronic health record?
- Can I access my electronic health record from my home computer?
- Does the government have access to my electronic health record?

FAQs about My Electronic Health Information

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- How much access does my insurance company have to my electronic health record?
- Will my electronic health record eventually be used to determine my insurance rates?
- Can I get copies of my electronic health record on a CD or a flash drive?

FAQs about My Electronic Health Information

Secure. Private. Accessible.

What can I do if the security and privacy of my electronic health record is violated (breached)?



Privacy and Security: It's the Law

Federal Laws



State Laws

Federal Laws

- Privacy Act of 1974 – federal agencies; not general applicability
- Confidentiality of Alcohol and Drug Abuse Patient Records – 42 Code of Federal Regulations, Part 2
- Confidentiality of Other Sensitive Information – HIV, AIDS, etc.
- HIPAA (Health Insurance Portability and Accountability Act)

Privacy Act of 1974

Each federal agency that maintains a system of records shall—

1. upon request by any individual ... permit him ... to review the record and have a copy made of all or any portion thereof in a form comprehensible to him ...
2. permit the individual to request amendment of a record pertaining to him ...

For more information on the Privacy Act of 1974, go to www.usdoj.gov/foia/privstat.htm.

Confidentiality of Alcohol and Drug Abuse Patient Records

Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall...be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

For more information on these regulations: www.gpoaccess.gov/cfr/index.html.

State Law

Alcohol and Drug Abuse

- **Strict confidentiality**
- Right to examine medical information
- Right to request correction of any inaccurate notation

HIV/AIDS

- **Strict confidentiality**
- A person or entity responsible for recording, reporting, or maintaining AIDS confidential information or that receives such information as permitted by law may not intentionally or knowingly disclose that information to another.

State Law

Mental Health Records

- **Strict confidentiality**
- Right of reasonable access to review his/her medical file.
- Right to request that inaccurate information in the record be corrected.

Health Insurance Portability and Accountability Act (HIPAA)



Pronounced “HIPAA” - not HIPPO

More About HIPAA

- Law passed – 1996
- Privacy regulations effective - April 2003
- Security regulations effective - April 2005

Your Health Information Privacy Rights under HIPAA

- Covers medical information in any format—written, spoken, or electronic
- Allows patient to view, request changes to, and obtain copies of health information documents
- Provides protections regarding how your information can be used

FAQs about My Electronic Health Information

Right to Access

- Access or inspect your health record
- Obtain a copy from your health care provider
- Copy your health information

FAQs about My Electronic Health Information

Right to Amend

- Request an amendment (clarification or correction) to the health record:
 - May need to put the request in writing
 - Health care provider will review and determine whether it agrees or disagrees.
 - Request for amendment becomes part of the permanent record.

FAQs about My Electronic Health Information

Right to Accounting of Disclosures

- Request a list of when and where their confidential information was released:
 - A list of disclosures (releases) within the past six years starting in April 2003
 - Date of disclosure
 - Name of person or entity who received the information and address, if known.
 - Brief description of reason for disclosure
 - Exceptions: treatment, payment, health care operations (e.g., administrative or business – not surgery or other medical procedures)

FAQs about My Electronic Health Information

Right to Request Restrictions

- Can request additional restriction in use of information for treatment, payment or health care operation purposes
 - Organization is not required to agree with restrictions
 - Can request to receive communication by alternative means or locations

FAQs about My Electronic Health Information

Right to File a Complaint

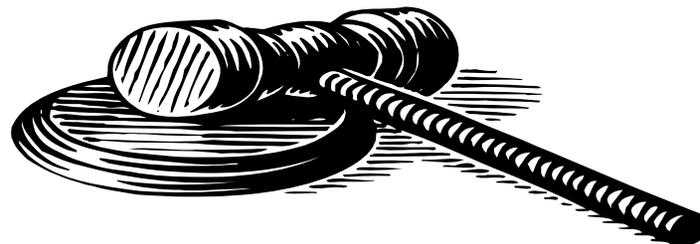
- Belief that privacy rights were violated
- Organizations must provide contact information for filing a complaint

HIPAA: *Notice of Privacy*

Given at first visit to a new health care provider, pharmacy, or hospital and describes:

- How health information is used and disclosed by the organization
- How to access and obtain a copy of the health record
- Summary of patient rights under HIPAA
- How to file a complaint and contact information for filing a complaint

HIPAA Enforcement



Privacy Rights Violations

1. Contact the Privacy Officer of the provider where you believe the violation occurred to try to resolve your concern
2. If unable to resolve concern locally, file a formal complaint directly to the organization, health plan, or Department of Health and Human Services' [Office for Civil Rights](#). Web site at www.hhs.gov/ocr/hipaa/

Privacy Rights Violations

Complaints to the Office for Civil Rights must be...

1. Filed in writing, either on paper or electronically, within 180 days of your knowledge of the act or omission
(Violations must have occurred on or after April 14, 2003, for the OCR to investigate.)
2. Name the provider or person whom you believe violated or failed to protect the privacy of your health information
3. Describe what occurred, as far as you know the facts

Privacy Rights Penalties

Criminal and Civil for:

- Failure to comply with HIPAA requirements
- Knowingly or wrongfully disclosing or receiving individually identifiable health information
- Obtaining information under false pretenses
- Obtaining information with the intent to:
 - Sell or transfer it
 - Use it for commercial advantage
 - Use it for personal gain
 - Use it for malicious harm

Local Electronic Health Records Projects

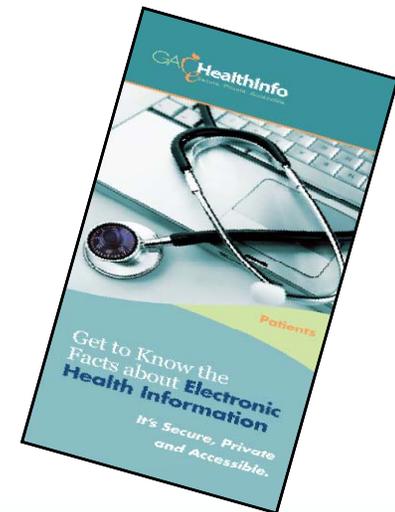
- **Electronic Health Records Community: Connecting to Better Health Care**
Georgia was selected as an EHR Demonstration site by the U.S. Department of Health and Human Services. Starting in June 2009, small physician practices throughout the state will be recruited to participate in this Demonstration
- **Health Information Exchange Pilot Program**
Health grants to organizations across Georgia to implement EHRs and HIEs

Consumers Make The Difference

- Ask Questions
- Make Your Concerns Known
- Know The Laws (Federal and State)
- Continue Your Education

For Further Information...

- <http://georgiahealthinfo.gov>
- <http://dch.georgia.gov>
- Evans DC, Nichol WP, Perlin JB (April 2006). "[Effect of the implementation of an enterprise-wide Electronic Health Record on productivity in the Veterans Health Administration](#)". *Health Econ Policy Law* 1 (Pt 2): 163–9. doi:10.1017/S1744133105001210. PMID 18634688, <http://journals.cambridge.org/action/displayAbstract?jsessionid=7C274D08947B0625B3B540BEF2E70367.tomcat1?fromPage=online&aid=416400>.
- "[VistA: Winner of the 2006 Innovations in American Government Award](#)" (PDF). The Ash Institute for Democratic Governance and Innovation at Harvard University's John F. Kennedy School of Government



Questions
???

Session Evaluation

- Let us hear from you regarding the session.
- Take a few minutes to complete the evaluation and turn it in as you leave.
- Your comments will be used in making the session better.

Conclusion