

# PRIVACY & SECURITY

Date: July 19, 2023

Time: 10:00am – 11:30am



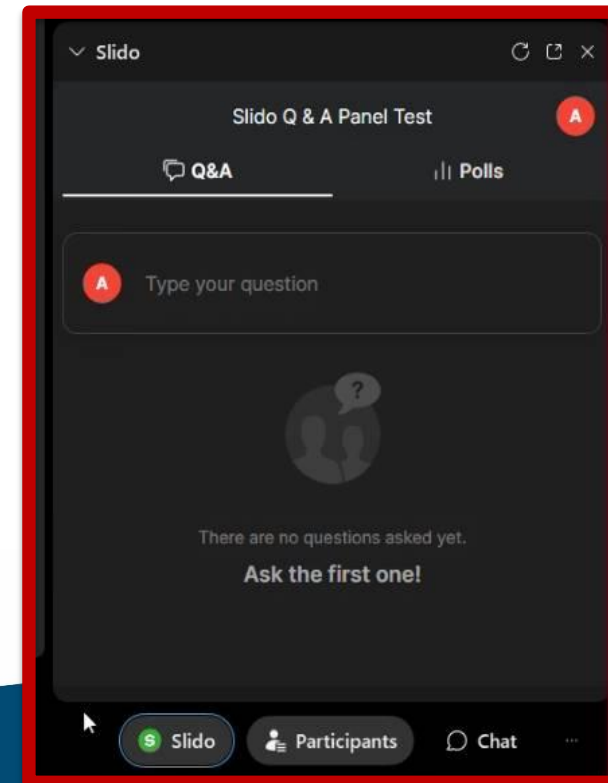
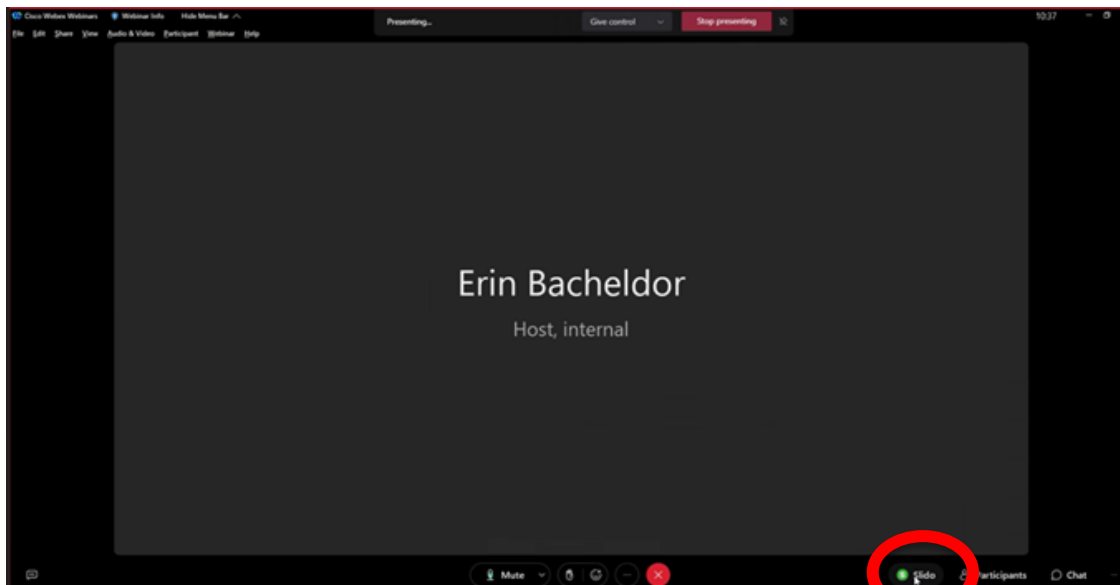
**Log into the WebEx first: click [HERE](#)**

Then, you may connect to audio via computer audio or via telephone audio.

# QUESTIONS

Questions can be submitted using the Slido Q&A function on your WebEx control panel.

- Chat function is disabled, please use the Slido Q & A panel to submit questions.
- We will pause periodically to take questions.



# RECORDING AND MATERIALS

A recording of the webinar and related materials will be available online on our Spring Training webpage.

<https://info.nystateofhealth.ny.gov/SpringTraining2023>

2023 Spring Training

July 14, 2023



Session	Topic	Training Materials
1 April 19, 2023	Unwinding from Continuous Coverage Requirements in NY State of Health, Part 1 -  An overview of the unwind process and timelines as well as a refresher on provisions that will be reinstated, such as documentation requirements	<a href="#">Presentation</a>  <a href="#">Video</a>
2 April 26, 2023	Unwinding from Continuous Coverage Requirements in NY State of Health, Part 2 -  An overview of the outreach and messaging that NY State of Health will be using during the unwind period as well as a refresher on tools available to Assistors and Assistor Oversight Managers through their	<a href="#">Presentation</a>  <a href="#">Video</a>  <a href="#">Assistor Tips for Document Review</a>  <a href="#">Unwind Resources for Assistors</a>  <a href="#">Unwind Email and Text Messages for Consumers</a>
3 June 21, 2023	Renewals and Late Renewals, Child Health Plus Premium Payments, 12-Months Continuous Coverage in Essential Plan, Consumers 65+ and/or with Medicare, Income Verification for Non-Applying Consumers who do not provide Social Security Numbers, System Updates for Pregnant Minors, and Postpartum Coverage for Pregnant Consumers	<a href="#">Presentation</a>  <a href="#">Video</a>
4 July 19, 2023	Privacy and Security – Providing a reminder and an update on the Privacy and Security rules and regulations by which all NY State of Health Assistors must comply	<i>Presentation will be posted after training</i>  <i>Video will be posted after training</i>  <a href="#">Identity Proofing Training Video</a>  <a href="#">Identity Proofing Slides</a>  <a href="#">Authorized Representative Training Video</a>  <a href="#">Authorized Representative Slides</a>

# YOUR FEEDBACK:

## WHAT'S COMING IN NY STATE OF HEALTH

### Webinar Statistics

- 98% of respondents said that this webinar was informative of the upcoming changes!
- 97% said information from this webinar will allow them to better assist consumers using the NY State of Health system.

### Here's what you said:

- *“The materials were covered very nicely. The updates on postpartum coverage for 12 months are such a great change!”*
- *“The charts, timelines and scenarios are wonderful for a reference.”*
- *“Thank you for keeping us up to date on all that we need to help consumers.”*

# PRESENTERS



## Welcome

Gabrielle Armenia

Director, Child Health Plus and Marketplace  
Consumer Assistance Group

## Speakers

Scarlett Camargo

Office of Marketplace Counsel

Kelly Lamendola

Director, Office of Marketplace Counsel

Norman Massry

Chief Information Security Officer, NY State of Health

Alicia Neznok

Medical Assistance Specialist 3, Bureau of Child  
Health Plus and Marketplace Consumer Assistance

## INFORMATION PRIVACY AND SECURITY

NY State of Health Assistors are required by law, to protect Personally Identifiable Information (PII) and Protected Health Information (PHI).

This training will cover:

- Definition of PII and PHI
- Consumer Documents with PII and PHI
- HIPAA and Limits on the Use of PII and PHI
- Requirements for Safeguarding PII and PHI
- Review of Best Practices

# PII AND PHI



# WHAT IS PII?

PII is Personally Identifiable Information. PII is information that can be used to distinguish a person's identity, when standing alone or when combined with other information. Some examples include:

- Name
- Address
- Telephone number
- SSN
- Date of Birth
- E-Mail address
- Driver's license number
- Passport number





# USE OF PII

- NY State of Health uses PII provided by applicants to process eligibility determinations for public health insurance programs and Qualified Health Plans (QHPs).
- NY State of Health is subject to specific privacy and security standards for the collection, use and disclosure of PII under the federal Marketplace regulations (45 CFR 155.260).
- PII may only be used for eligibility and enrollment purposes. It may not be re-disclosed or shared for other purposes.
- PII may not be shared with other government agencies, except as permitted by law.

# AUTHORIZATION AND CONSENT


NY State of Health privacy and security regulations require “*Openness and Transparency*” regarding policies, procedures and technologies that directly affect consumers and their personal information.

Assistors should answer consumers’ questions about the need for identity proofing to protect privacy; and the need to collect PII to determine eligibility for coverage.

In addition, it is important that consumers review the general privacy attestation, the Privacy Consent and the Terms, Rights and Responsibilities.



2022 Spring Training  
October 26, 2022



<https://info.nystateofhealth.ny.gov/SpringTraining2022>

Session	Topic	Training Materials
		<ul style="list-style-type: none"> <li>Presentation</li> <li>Video</li> <li>Authorized Representative Designation Form</li> <li>Document Review Checklist</li> <li>Privacy Consents and Terms, Rights and Responsibilities in English and Spanish</li> <li>Identity Proofing Video</li> <li>Identity Proofing Presentation</li> <li>Authorized Representative Video</li> <li>Authorized Representative Presentation</li> <li>Q&amp;A</li> </ul>
June 8, 2022	Privacy and Security... providing a reminder and an update on the Privacy and Security rules and regulations by which all NY State of Health Assistors must comply	

These are available in English and Spanish here.

# CONSUMER DOCUMENTS WITH PII AND PHI

# ASSISTORS AND CONSUMER DOCUMENTS



- Assistors may maintain the names and telephone numbers of clients to make individual appointments and follow-up (as needed).
- Other client information must be stored in the Assistor dashboard.
- Contact information for clients must not be used for any other program purpose. Its use is limited to NY State of Health enrollment assistance.

# ASSISTORS AND CONSUMER DOCUMENTS



Assistors must not keep copies of consumer documents, such as copies of passports.

- If the consumer can't finish the appointment, they should take their documents with them until they can reschedule.
- Alternatively, there are other ways for consumers to submit their own documents such as the mobile app (more to come on this later).

Documents containing PII may be provided to the Assistor in-person, by fax or by regular mail.

**For example:** If following an appointment, a consumer needs to provide additional copies of paystubs, the consumer may hand deliver, fax or mail the documents to the Assistor. If hand delivering or mailing the documents:

- They must be in a sealed envelope, clearly marked with the Assistor's name and organization.
- The consumer's name and AC number should also be written on the consumer's paperwork which is sealed inside the envelope.
- Assistor organizations may provide self-addressed labels for this purpose.

# ASSISTORS AND CONSUMER DOCUMENTS



A consumer **may also** fax their documents to an Assistor. If the consumer is faxing their documents to their Assistor:

- The Assistor must verify that the consumer has the correct fax number.
- The Assistor agency must ensure that the facsimile machine is in a secure location and that the recipient Assistor is able to promptly receive the faxed information.
- The fax cover page should include the name of the Assistor as well as the consumer's name and AC number.



# SUBMITTING CONSUMER DOCUMENTS



Assistors can submit consumer documents by:

## Preferred Options:

- Upload
  - As long as the consumer is on the Assistor's Dashboard.
- **NYSOH Mobile Upload app**
  - Manual Identity Proofing documents only.

## Other Options:

- Fax
- Mail

Consumers can submit their own documents by:

- **NYSOH Mobile Upload app**
- Upload –
  - Only if they have access to their account independently.
- Fax
- Mail



# UPLOADING VERIFICATION DOCUMENTS TO NY STATE OF HEALTH



Assistors may also upload consumer's documents through the Assistor dashboard.

Consumer documents that contain PII (i.e., paystubs or immigration documents) must be uploaded separately by document type and consumer.

- For example: If one consumer has provided four paystubs related to her application, the Assistor should upload them together as one (1) upload. If this consumer is also providing their Permanent Resident Card to verify immigration status, the front and back of the card should be uploaded separately as one (1) upload.

Before uploading **each** document, an Assistor should check at least three (3) different elements of PII in the document (if available) against the account, to verify that the document matches the account.

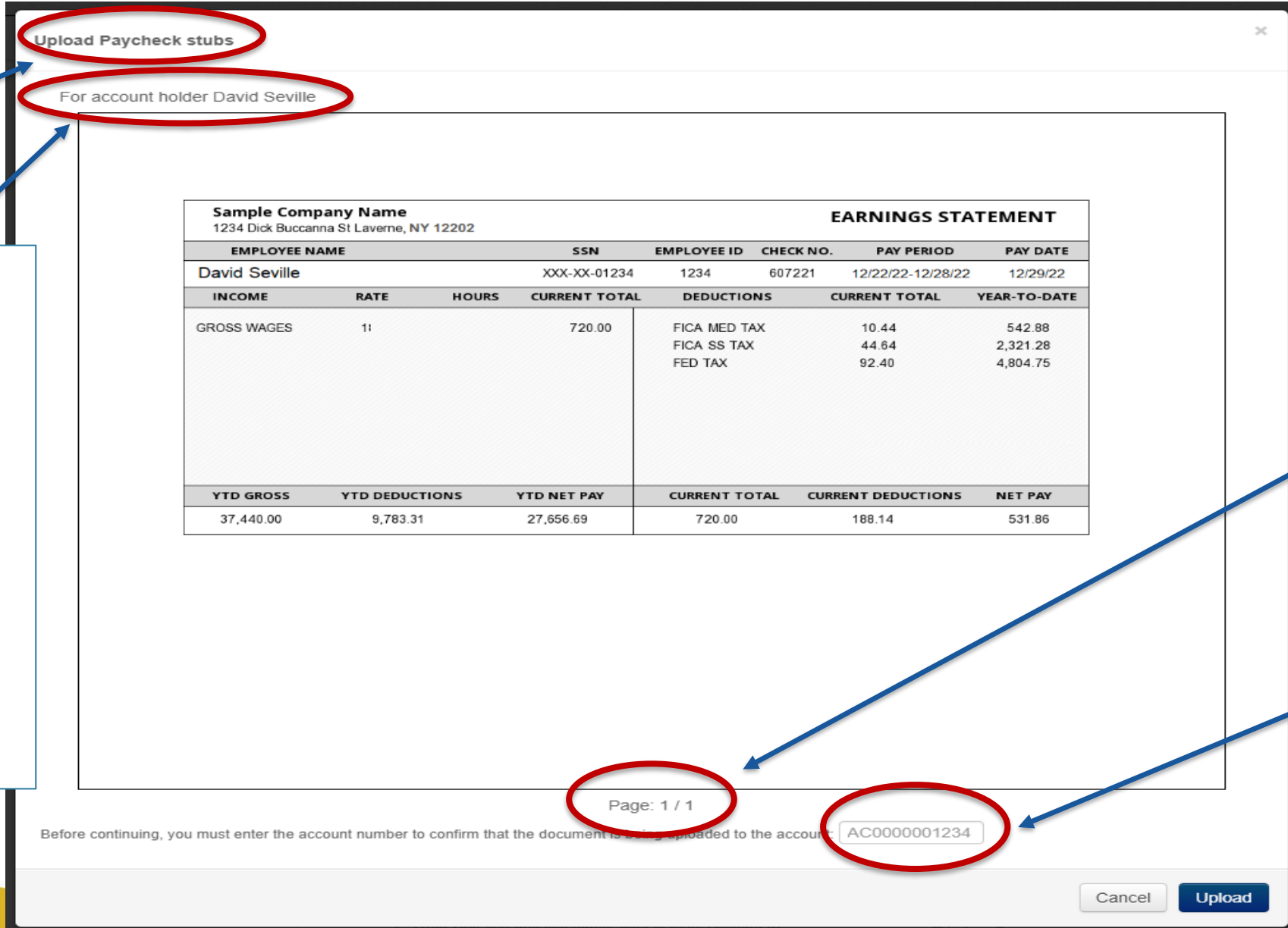
- For example: Before uploading paystub copies, the Assistor should verify that the name, address and last four digits of the SSN on **each** paystub match the name, address and last four digits of the SSN on the account.
- **NOTE:** The type of PII in individual documents will vary. The important thing is to check at least three (3) different types of PII (if available) on each document to validate that the document matches the account.

# PREVIEW FEATURE

Type of document being uploaded.

Name of the Account Holder.

- Account Holder's name will appear even if uploading documents for a household member, such as a child or spouse.



Upload Paycheck stubs

For account holder David Seville

Sample Company Name		EARNINGS STATEMENT				
1234 Dick Buccanna St Laverne, NY 12202						
EMPLOYEE NAME	SSN	EMPLOYEE ID	CHECK NO.	PAY PERIOD	PAY DATE	
David Seville	XXX-XX-01234	1234	607221	12/22/22-12/28/22	12/29/22	
INCOME	RATE	HOURS	CURRENT TOTAL	DEDUCTIONS	CURRENT TOTAL	YEAR-TO-DATE
GROSS WAGES	11		720.00	FICA MED TAX	10.44	542.88
				FICA SS TAX	44.64	2,321.28
				FED TAX	92.40	4,804.75
YTD GROSS	YTD DEDUCTIONS	YTD NET PAY	CURRENT TOTAL	CURRENT DEDUCTIONS	NET PAY	
37,440.00	9,783.31	27,656.69	720.00	188.14	531.86	

Page: 1 / 1

Before continuing, you must enter the account number to confirm that the document is being uploaded to the account.

Cancel Upload

**Best Practice:**  
Check to make sure all pages were uploaded.

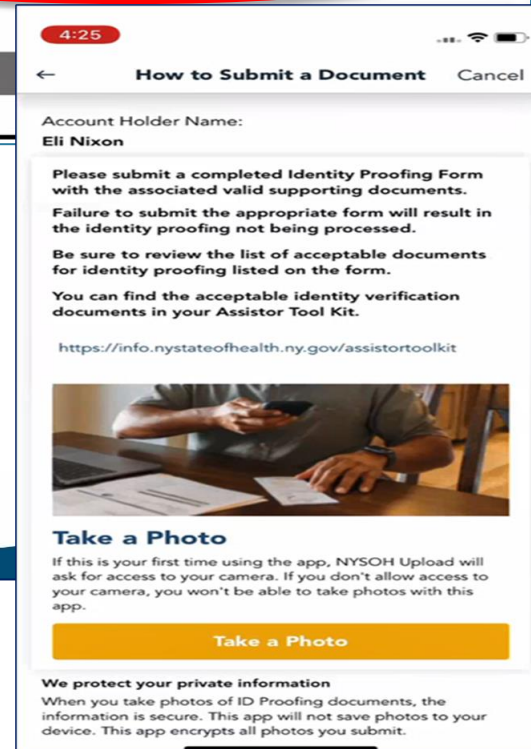
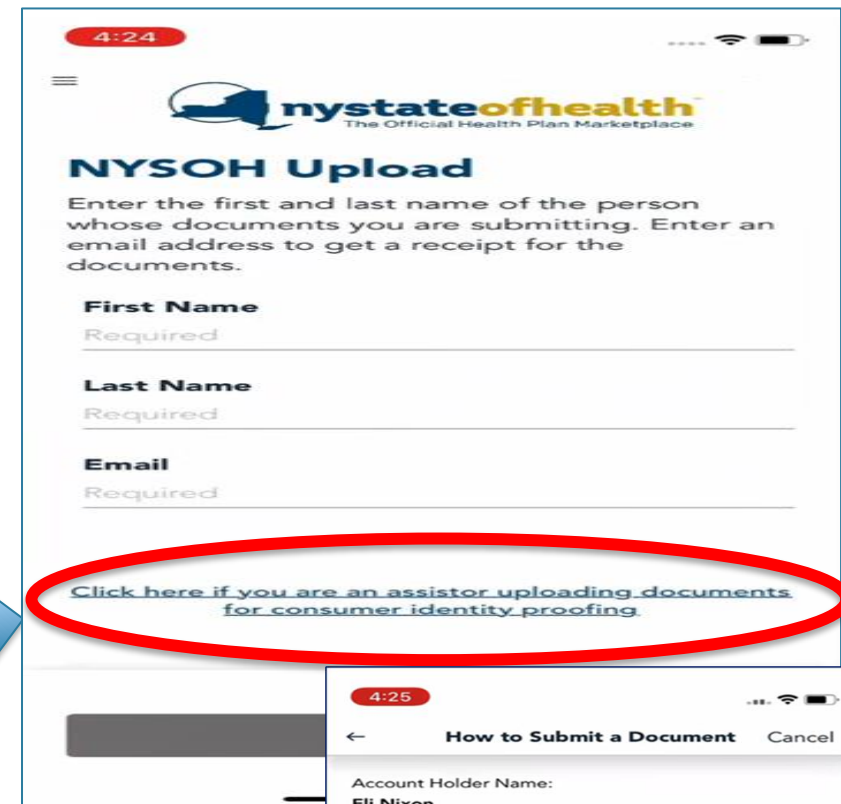
Type in the consumer's Account Number to validate.

# USING THE MOBILE APP FOR MANUAL CONSUMER ID PROOFING

Assistors can upload identity proofing documents for consumers using the Mobile Upload App.

- There is no cover sheet needed when using the app for this purpose.

*“Click here if you are an assistor uploading documents for consumer identity proofing”*



- Taking a picture of a consumer’s document using this App is acceptable because this app uses enhanced technology which does not save it as a photo or any other file type.

Click the link below to watch a 4-minute demonstration of how to use the app to submit your consumer’s manual identity proofing documents.

<https://meetny.webex.com/webappng/sites/meetny/recording/74c671f736a2103aadbf0050568cfa40/playback>

# NYSOH MOBILE UPLOAD APP

The NYSOH Upload app is available in English and Spanish and allows consumers to submit their own documents to NY State of Health.

To find the NYSOH Mobile Upload app in the App Store® or in Google Play™:

1. Search for 'NYSOH Upload' app and look for our icon.
2. Download for free.



NYSOH Mobile Upload is quick and easy to use: the consumer needs to log in on a phone or tablet, choose the document from a list, snap a photo, and hit submit.

- After a consumer uses this method, it can take 24 to 48 (business) hours before the documents are visible in their account.

4:24

**nystateofhealth**  
The Official Health Plan Marketplace

## NYSOH Upload

Enter the first and last name of the person whose documents you are submitting. Enter an email address to get a receipt for the documents.

**First Name**  
Required

**Last Name**  
Required

**Email**  
Required

[Click here if you are an assistor uploading documents for consumer identity proofing.](#)

Next

Assistors are permitted to help consumers download and use the NYSOH Upload app.

# FAXING VERIFICATION DOCUMENTS TO NY STATE OF HEALTH



Assistors may also fax consumer's documents to NY State of Health.

- Any fax sent to NY State of Health must have a cover sheet that is clearly labeled with the consumer's name and account number (ACXXXXXXXXXX).
- Each fax must contain documents for one (1) account holder only.
- For example: If an Assistor has two separate clients and needs to fax a one-page document to NY State of Health for each client, the Assistor must prepare two (2) separate faxes with separate cover sheets.

## **OTHER CONSIDERATIONS:**

- **IDENTITY PROOFING**
- **AUTHORIZED REPRESENTATIVES**
- **DOMESTIC VIOLENCE**



# IDENTITY PROOFING



A pre-recorded video and set of slides on this topic has been posted:

<https://info.nystateofhealth.ny.gov/SpringTraining2023>

## Identity Proofing

Step 1	Electronic ID Proofing: <ul style="list-style-type: none"><li>• Personal Identifying Information (Experian)</li></ul>
Step 2	Electronic ID Proofing: <ul style="list-style-type: none"><li>• NY DMV ID</li></ul>
Step 3	ID Proofing with Customer Service - If the consumer has ever received public benefits, such as Medicaid, FPBP or Family Health Plus, the Call Center may be able to identity proof them over the phone. <ul style="list-style-type: none"><li>• During the unwind call the Quick Call Line at 1-866-834-6979.</li><li>• The Call Center main line will process this task as well at 1-855-355-5777.</li></ul>
Step 4	Submit Documentation

It is important that Assistors walk every single account holder through steps 1, 2, and 3, if needed, and do not skip these steps.

These steps all allow for real time application processing without delay.



# AUTHORIZED REPRESENTATIVE (AR)



A pre-recorded video and set of slides on this topic will be available and posted to the Spring Training website.

<https://info.nystateofhealth.ny.gov/SpringTraining2023>

PII and PHI may only be disclosed to individuals who are authorized to access it.

- The Assistor may not work with anyone besides the account holder, unless they are assigned as an Authorized Representative to the account.
- The Assistor must call the Call Center to ensure the AR assignment is in place before working with the AR.
- There are different ways a consumer can assign an AR to their account.

# DOMESTIC VIOLENCE

**How can an Assistor help when working with a Domestic Violence (DV) victim who is not the account holder, or Authorized Representative and the individual reports they are no longer in the household with their abuser?**

- If the consumer needs to be separated from their current account or application because they are currently included on an account with the abuser, the Assistor can contact the NY State of Health Call Center at 1-855-355-5777 to request that the individual be transferred to their own account.
- NY State provides an Address Confidentiality Program which was created to protect victims of domestic violence, and other crimes.
  - If consumers identify themselves as being a part of the Address Confidentiality Program, they should enter the P.O. Box provided by the New York State Department of State instead of their actual residential address.

# QUESTIONS?



# HIPAA AND LIMITS ON USE OF PII AND PHI

# HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

- HIPAA is a federal law passed in 1996 and amended by another federal law, passed in 2013, called HITECH.
- The actual rules are contained in federal regulations that have been in effect since 2003 (45 CFR Parts 160 and 164).
- Significant amendments to HIPAA went into effect in 2013, strengthening privacy and security provisions.



# HIPAA: COVERED ENTITIES



HIPAA applies to certain types of organizations called, “Covered Entities.”

Covered Entities include:

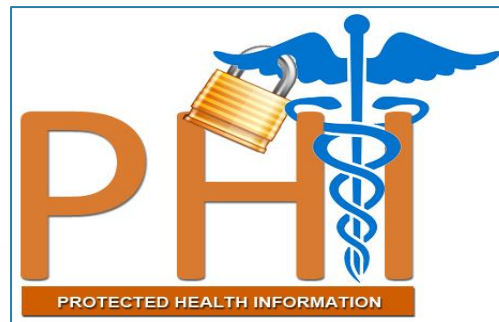
- Health Care Providers, such as physicians and hospitals.
- Health Insurance Plans, such as Medicaid Managed Care Plans and Insurance Companies.
- Health Care Clearinghouses, which refers to companies that assist with claims processing or billing.

NY State of Health is a Covered Entity (specifically, a “Covered Program”) of the New York State Department of Health.

# PROTECTED HEALTH INFORMATION

Under HIPAA, PII combined with “Health Information” (information about a person’s health care, including payment for health care) is “Protected Health Information” or “PHI.”

An individual consumer’s enrollment in a health plan is PHI.

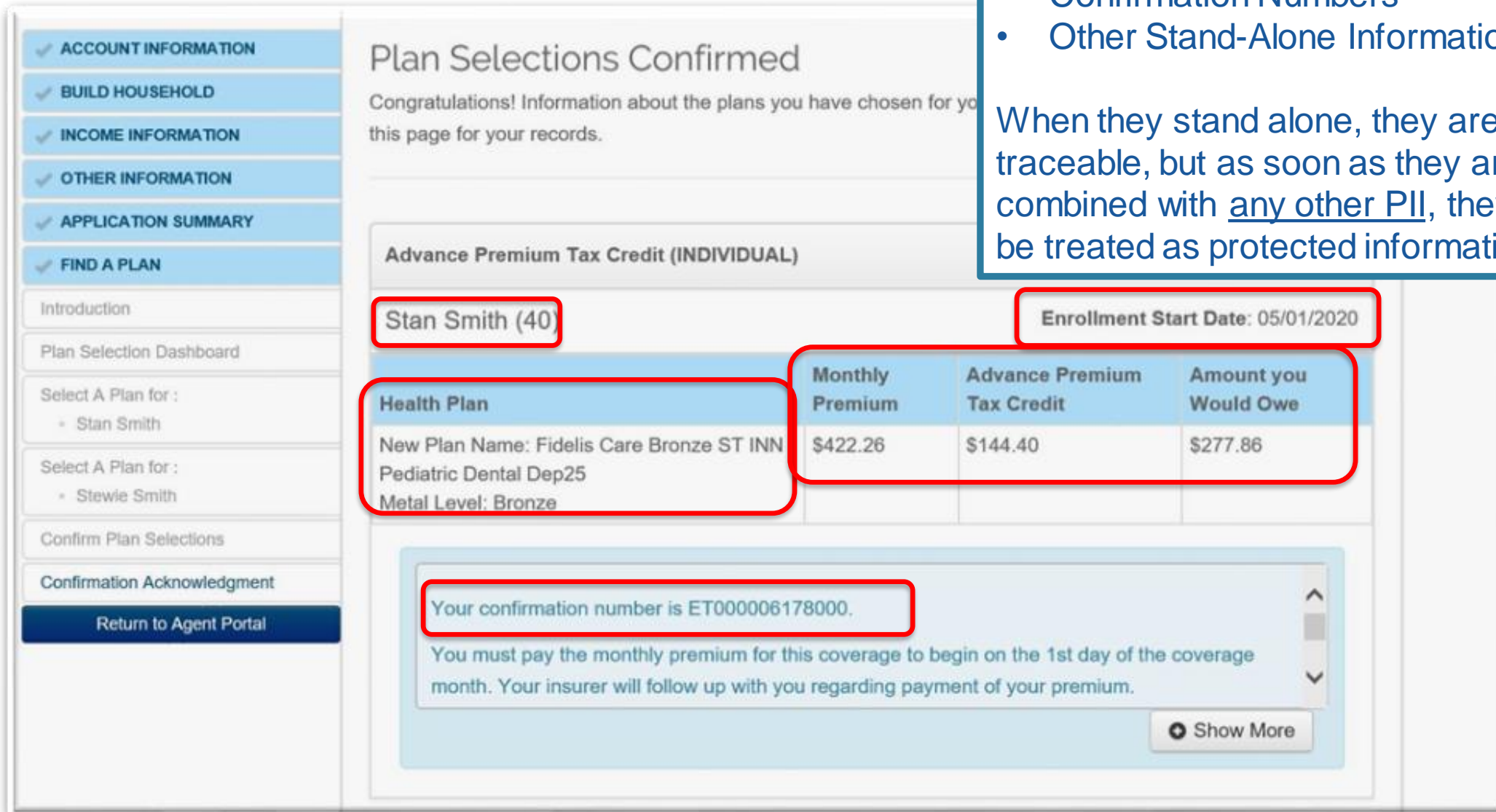




# INFO CHECK

- Account Numbers (AC0000000000)
- HX IDs (HX0000000000)
- Confirmation Numbers
- Other Stand-Alone Information

When they stand alone, they are not traceable, but as soon as they are combined with any other PII, they should be treated as protected information.



**Plan Selections Confirmed**  
Congratulations! Information about the plans you have chosen for you is displayed on this page for your records.

**Advance Premium Tax Credit (INDIVIDUAL)**

Stan Smith (40) Enrollment Start Date: 05/01/2020

Health Plan	Monthly Premium	Advance Premium Tax Credit	Amount you Would Owe
New Plan Name: Fidelis Care Bronze ST INN Pediatric Dental Dep25 Metal Level: Bronze	\$422.26	\$144.40	\$277.86

Your confirmation number is ET000006178000.

You must pay the monthly premium for this coverage to begin on the 1st day of the coverage month. Your insurer will follow up with you regarding payment of your premium.

Show More

# BUSINESS ASSOCIATES





Many Assistors are “Business Associates” of NY State of Health under HIPAA, which means that they receive or transmit PHI on behalf of a Covered Entity (NY State of Health).

Business Associates have a Business Associate Agreement (BAA) with NY State of Health.

The HIPAA amendments that went into effect in 2013 included important changes for Business Associates. The federal Office of Civil Rights in the Department of Health and Human Services can take enforcement action directly against Business Associates for breaches of security or privacy.

# HIPAA: PRIVACY AND SECURITY

HIPAA includes a Privacy Rule and a Security Rule that requires Covered Entities and Business Associates to use operational, administrative, technical and physical safeguards to prevent unauthorized access, use or disclosure of PHI.

-  Whether a consumer participates in the Medicaid program or any other health insurance program, that information is PHI that may only be used for NY State of Health program purposes.
-  Assistors may only use PHI for NY State of Health program purposes. It may not be disclosed or shared.

# MEDICAID CONFIDENTIAL DATA AND UNEMPLOYMENT INFORMATION



- In addition to HIPAA, individually identifiable **Medicaid Confidential Data** is also protected by Federal and State Laws.
- An individual's application for or receipt of **Unemployment Insurance (UI)** benefits is confidential information protected under Federal and State Laws.
- HIPAA adds to these protections, it does not replace them.

# LIMITATION OF ACCESS

- Only Assistor staff who need access to PII/PHI to perform their assigned job responsibilities may have access (also known as “need to know”).
- Access to PII / PHI must be limited to what is minimally necessary for staff to do their jobs (also known as “minimum necessary”).

Unless a staff person has an assigned job responsibility, they should **not** have access to PII or PHI.

# INCIDENT REPORTING



- If an Assistor suspects there has been a loss or potential loss of PII or PHI, including an unauthorized use or disclosure, they must *immediately* report it to a supervisor.
- Assistor organizations must promptly report to NY State of Health any loss or potential loss of PII or PHI.
- Assistor organizations must report any unauthorized access to or loss or suspected loss of any PII or PHI within 24 hours to:
  - [NYSOHSecurity@health.ny.gov](mailto:NYSOHSecurity@health.ny.gov)
  - (518) 457-3849

# POLL QUESTION #1



You take a call from someone who is going into court and wants to know if their child has coverage. You helped their partner get Medicaid and they are begging you to look up the child and confirm coverage. They are not on the account. What do you do?

- A. Advise the consumer that they will need to call the marketplace to get this information.
- B. Get the spouse's information, look up the account and confirm if the children are covered but do not give out specific insurance details.
- C. Hang up.
- D. Explain to the consumer that you cannot release any information about clients' accounts unless they are the account holder or an authorized representative on the account.



# REQUIREMENTS FOR SAFEGUARDING PII AND PHI

# HIPAA: SECURITY RULE

- Assistors must take steps to prevent unauthorized access to PHI.
  - Be aware of your surroundings while handling or discussing PII or PHI.
  - Use screen protectors if needed.
- Laptops used by Assistors to collect and transmit PII and PHI must be encrypted.



## What is Disk Encryption?

- Encryption converts data into an unreadable format. In order to convert it back to an intelligible format, it needs to be unlocked with the secret key.
- Encryption refers to whole-disk encryption, which requires an Assistor organization to use software, such as Bitlocker, to encrypt the hard drive of the laptops that it provides to individual Assistors.
- If an *encrypted* laptop is lost or stolen, the data on the hard drive is unreadable.
- It is important to check with your supervisor to be sure that any laptop that has been given to you to provide NY State of Health enrollment assistance is encrypted.

## Protect your laptop and/or workstation.

1. Protect your User IDs and your passwords.
  - Change them frequently.
  - Do not post where they are visible to others.
2. Never let anyone else use your User ID and Password.
3. Use up-to-date anti-virus software and keep operating systems updated and patched with the latest security updates.
4. Always lock your computer when you leave your desk so that PII/PHI are not visible on the screen or accessible.
5. Secure any paper PII/PHI. Never place PII/PHI in a standard recycling bin or trash can.
6. Shred PII/PHI when finished with it, or store securely.

# WHAT NOT TO DO

## Assistors should **NEVER**:

- Discuss PII/PHI with co-workers who do not have a “need to know.”
- Discuss PII/PHI via telephone or provide enrollment assistance via telephone unless authorized by the Department of Health.
  - Unless speaking to a representative of NY State of Health, its customer service center or the Department of Health.
- Transmit PII/PHI via email.
  - Except in circumstances when Assistors need to send PII/PHI to a DOH staff member and only in an encrypted format.
- Discuss PII/PHI with a non-authorized person.

# SECURITY BASICS: PUBLIC LOCATION



Problem	Corrective Action
Shoulder Surfers	Choose a space within your public location that is least subject to your computer screen being viewed by others.
Eavesdroppers	Encourage consumers to be aware and speak quietly when providing information.
Non-reading Consumers or Interpreters	Set the tone; let them know that it may be beneficial to move to a secure location or explain that you will be speaking quietly when reviewing PHI/PII.
PHI/PII Disposal	Encourage consumers to take responsibility for their own documents and dispose of them in a non-public location.

## What is Ransomware?

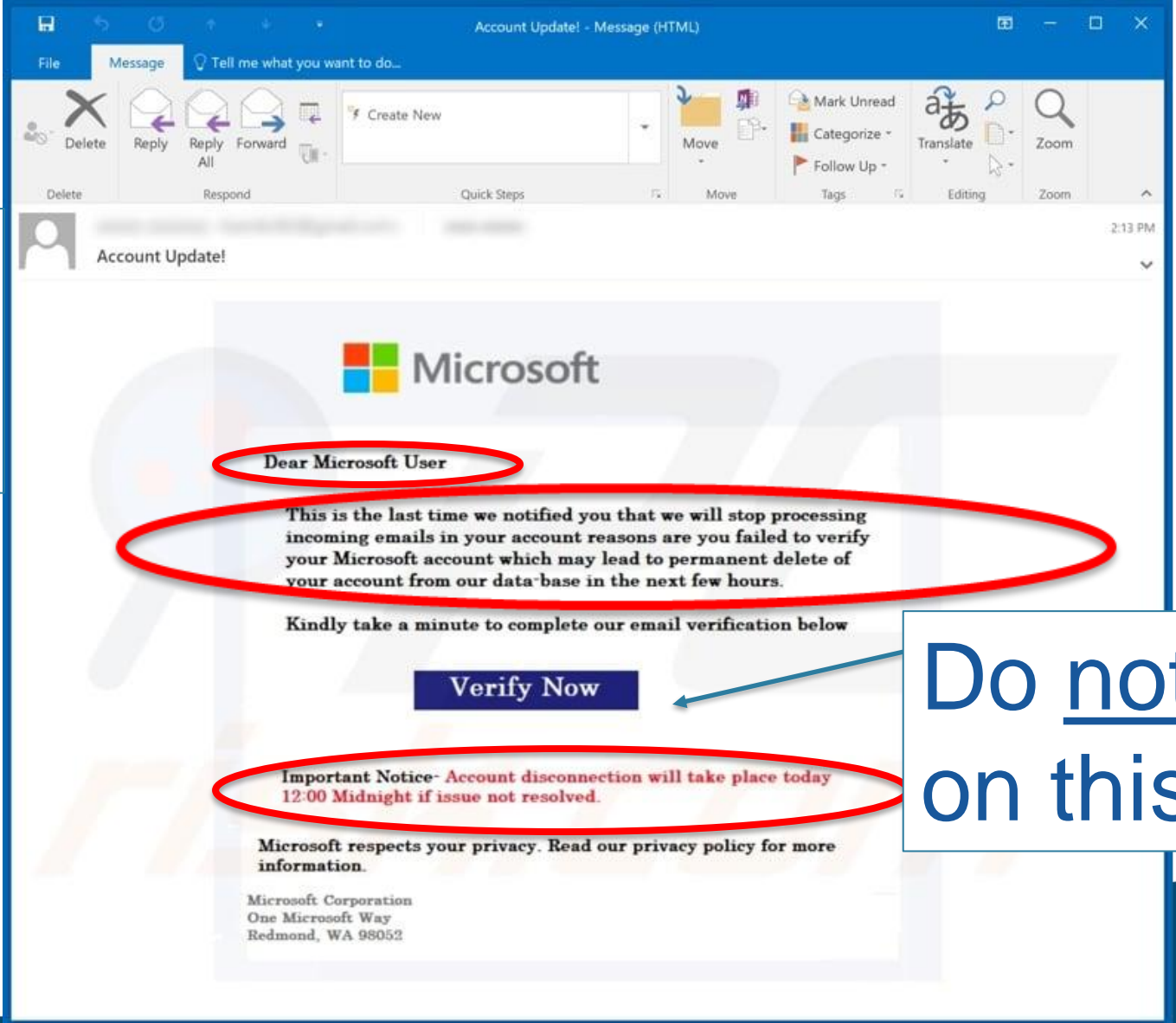
- Type of Malware
- Typically Spread Through Phishing Emails
- Encrypts and Locks Files
- Holds Files for Ransom

## How do I get Ransomware?

- Spam and Phishing Emails
- Malicious Web Advertisements
- Unpatched Vulnerabilities

# RANSOMWARE

Should the receiver of this email click on the link to “Verify Now?”



Do not click on this link.



# RANSOMWARE

Cryptolocker 2.0

## Your personal files are encrypted



Your files will be lost without payment on:  
11/24/2013 3:16:34 PM

Info

Your **important files were encrypted** on this computer: photos, videos, documents, etc. You can verify this by click on see files and try to open them.

Encryption was produced using **unique** public key **RSA-4096** generated for this computer. To decrypt files, you need to obtain **private** key.

The single copy of the private key, which will allow you to decrypt the files, is located on a secret server on the Internet; **the server will destroy the key within 72 hours after encryption completed**. After that, nobody and never will be able to restore files.

**To retrieve** the private key, you need to pay 0.5 bitcoins.

Click **proceed to payment** to obtain private key.

**Any attempt to remove or damage this software will lead to immediate private key destruction by server.**

See files      << Back      Proceed to payment >>

www.bleepingcomputer.com

# NY STATE OF HEALTH INFORMATION SECURITY



- Never save or copy PII and PHI to mobile devices, such as flash drives or portable disk drives.
- Never photograph consumer documents for the purpose of uploading to an account, except when using the NYSOH Mobile App for identity proofing.
- PII and PHI must not be stored on a laptop or PC.
  - The consumer's information is stored in their NY State of Health account and accessible on your dashboard. No further client information should be saved on an Assistor's work or personal computer, phone, or other devices.

# NY STATE OF HEALTH

## E-MAIL/TEXT RESTRICTIONS



- Assistors must NOT send PII and/or PHI via e-mail or text.
- Assistors must instruct consumers not to send PII or PHI to the Assistor or Assistor organization via e-mail or text.
- If an Assistor receives unsolicited PII from a consumer, they should send the consumer a reply letting them know that in the future, the consumer must:
  - Mail their document to the Assistor; or
  - Deliver their document to the Assistor agency in-person in a sealed envelope; or
  - Fax their document to the Assistor.
  - When replying via email, you must redact the PII and PHI, or compose a new email to ensure that you do not re-circulate unsecured information.
- Unsolicited e-mail/PII received from a consumer should be deleted from the e-mail account and then deleted from “trash.”

# ENCRYPTED E-MAIL



An Assistor Agency Reporter may use **encrypted** e-mail to send PII or PHI as an encrypted attachment to specific DOH staff members with a need to know.

- PII and PHI must NEVER be sent in the body of an email.
- Assistors may send encrypted attachments in an e-mail, encrypting Microsoft Office (e.g., Word) attachments by password protecting, or using “WinZip” or “7Zip.”
- Passwords or “keys” to the encrypted file must be sent in a separate e-mail.
- To encrypt using Word, Excel or PowerPoint file click File > Info > Protect Document > Encrypt with Password.

Each Assistor Agency should designate a Reporter that reviews the cases prior to submitting them to the NYS Department of Health. For additional information and instructions on how to submit cases securely via email to DOH staff, the designated reporter may watch Assistor Training: Account Review Template, located here:

<https://info.nystateofhealth.ny.gov/news/assistor-training-account-review-template>

# SANCTIONS

Individuals who do not comply with Privacy and Security requirements may be subject to fines and other penalties.

- Any person who knowingly and willfully uses or discloses information in violation of section 1411(g) of the Affordable Care Act will be subject to a civil penalty of not more than **\$25,000** per person or entity, per use or disclosure, in addition to other penalties that may be prescribed by law.



# HIPAA AND HITECH PENALTIES



HITECH stands for Health Information Technology for Economic and Clinical Health

- The Health and Human Services (HHS) Office for Civil Rights may assess penalties against Covered Entities and Business Associates for failing to appropriately safeguard PHI. Penalties may be assessed per violation.
- Covered entities and individuals who knowingly obtain or disclose PHI may be subject to a fine of up to \$50,000 and up to one (1) year in jail.

# BEST PRACTICES

# KEY POINTS

NY State of Health and its Assistors are subject to privacy and security rules protecting PII, in addition to the requirements of HIPAA governing PHI.

PII and PHI must be always safeguarded, including:

- Keeping PII and PHI confidential and disclosing it only as necessary to perform Assistor services.
- Using physical, operational, technical and administrative safeguards to protect the security of PII and PHI, including the encryption and secure storage of laptops.
- Never sending PII or PHI by standard e-mail.
- Checking at least three (3) elements of PII in each document (if available) against the account before uploading.
- Reporting any potential privacy or security concern promptly.
- Reviewing the security controls that are in place regularly and updating as needed.



# CONTACT INFORMATION



Report any unauthorized access, loss or suspected loss of any PII or PHI to NYSOH Security within 24 hours.

## NY State of Health Information Security Office

- Email: [NYSOHSecurity@health.ny.gov](mailto:NYSOHSecurity@health.ny.gov)
- Telephone: (518) 457-3849

# POLL QUESTION #2

You leave your work computer in a colleague's car and are unable to get it before your next appointment. The appointment is just to update a consumer's mailing address. It is okay to use your personal laptop since you only need to make a quick change?

- A. Yes
- B. No



# POLL QUESTION #3

You help a single parent, and their 3 children apply for and enroll in Medicaid. After they leave, would it be okay for you to look up their income and contact information to screen them for other programs your agency assists with, such as HEAP or TANF?

A. Yes

B. No



# QUESTIONS?



# EMAIL CONTACTS



## All Assistors

- If you have general Assistor training questions, or questions about this specific training, please send them to: [Eligibility.Training.Support@health.ny.gov](mailto:Eligibility.Training.Support@health.ny.gov).
- If you have a case specific question that you have already discussed with your supervisor or program manager, the issue should be submitted by the designated reporter of your agency on an encrypted Account Review Spreadsheet to: [Assistor.Cases@health.ny.gov](mailto:Assistor.Cases@health.ny.gov).
- If you need help with your Assistor account or Oversight Manager account, or if your agency needs to report staff changes, please send an email to: [Assistor.Admin@health.ny.gov](mailto:Assistor.Admin@health.ny.gov).

## Navigators Only

- When Navigator Agencies are submitting contract documents (vouchers, annual packet documents, consumer story submissions, site schedules, etc.) and related questions to the New York State Department of Health, please send them to: [Navigator.Admin@health.ny.gov](mailto:Navigator.Admin@health.ny.gov).
  - CC your Navigator Contract Manager
- When Navigator Agencies are submitting media approval requests, and educational and marketing material approval requests to the New York State Department of Health, please send them to: [Navigator.Media@health.ny.gov](mailto:Navigator.Media@health.ny.gov).
  - CC your Navigator Contract Manager

# RECERTIFICATION PROCESS



- All Assistors and Assistor Oversight Managers who are registered or completed the online Assistor Certification Training by **10/31/2023** will be required to view the recertification webinars. The material included in each webinar is a supplement to what was provided during the initial online course.
  - <https://info.nystateofhealth.ny.gov/SpringTraining>.
- Keep track of the date you watched the live webinar or the video for each of this year's recertification webinars.
- Provide your dates to your supervisor so they can complete the Recertification Report.



# THANK YOU FOR JOINING US!

- Please complete the survey:
  - Privacy and Security webinar evaluation
- As always, watch for the video and materials to be posted to [2023 Spring Training | NY State of Health](#)

## Next Recertification Training:

### Open Enrolment and Renewals

- Date: September 27, 2023
- Time: 10:00 – 11:30am

