PRIVACY & SECURITY





Date: June 8, 2022

Time: 10:00am - 11:30am

Log into the WebEx first: click HERE

Then, you may **connect to audio via computer** or via telephone:

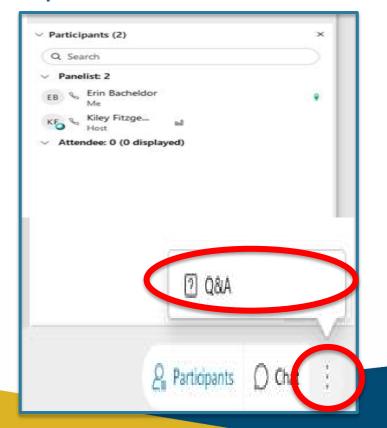
- Dial-In Number: (518) 549-0500
- Access Code: 2554 772 3494
- Participant ID Number: Unique to you.
 - This number will be assigned to you after you log in. Click on the audio icon for prompts

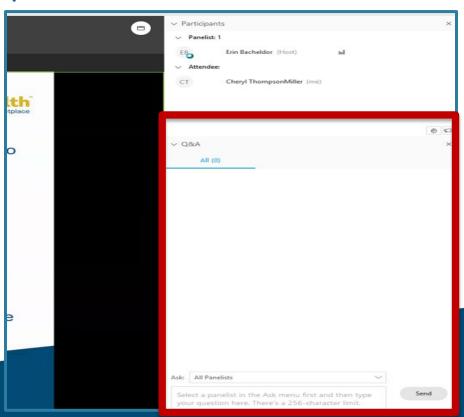
QUESTIONS



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

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





RECORDING AND MATERIALS



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

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



PRESENTERS



Welcome

Gabrielle Armenia Director, Bureau of Child Health Plus and Marketplace

Consumer Assistance

Speakers

Scarlett Camargo Office of Marketplace Counsel

Norman Massry Chief Information Security Officer, NY State of Health

Alicia Neznek Medical Assistance Specialist 3, Bureau of Child

Health Plus and Marketplace Consumer Assistance

Sara Oberst Director, Bureau of Exchange Application Support

NY STATE OF HEALTH 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 <u>only</u> 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

nystateofhealth
The Official Health Plan Marketplace

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.









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 In the Official Health Plan Mark



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 and mystateofhea



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
 - o 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.

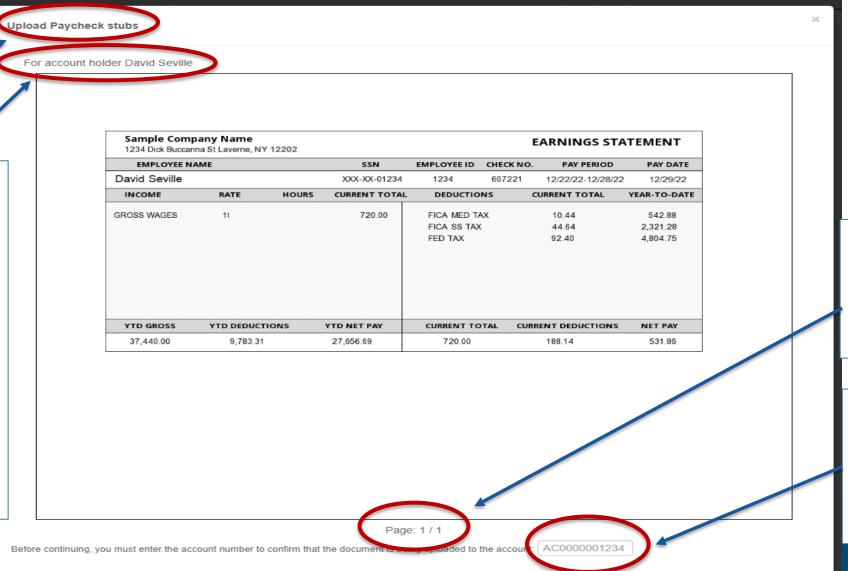
PREVIEW FEATURE



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.



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.

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 Email Click here if you are an assistor uploading documents for consumer identity proofing How to Submit a Document Cancel Account Holder Name: Eli Nixon Please submit a completed Identity Proofing Form with the associated valid supporting documents. Failure to submit the appropriate form will result in the identity proofing not being processed. Be sure to review the list of acceptable documents for identity proofing listed on the form. You can find the acceptable identity verification documents in your Assistor Tool Kit. https://info.nystateofhealth.ny.gov/assistortoolkit If this is your first time using the app, NYSOH Upload will ask for access to your camera. If you don't allow access to your camera, you won't be able to take photos with this Take a Photo We protect your private information When you take photos of ID Proofing documents, the formation is secure. This app will not save photos to your device. This app encrypts all photos you submit.

NYSOH MOBILE UPLOAD APP

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

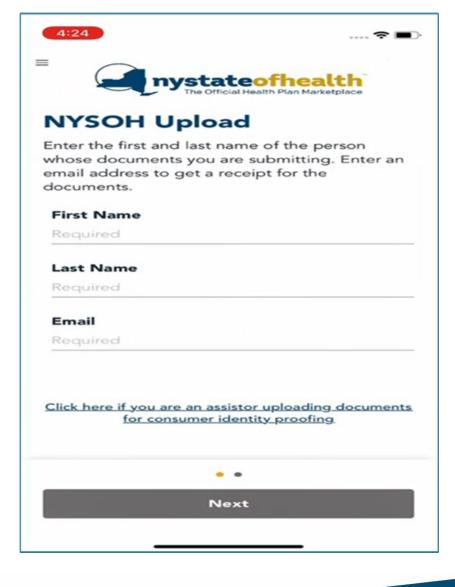
To find the NYSOH Mobile Upload app in the App Store® or in Google Play™:

- 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.



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

FAXING VERIFICATION DOCUMENTS TO NY SATE 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 (ACXXXXXXXXXXX).
- 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 onepage 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 will be available and posted to the Spring Training website: https://info.nystateofhealth.ny.gov/SpringTraining2022

Identity Proofing	
Step 1	Electronic ID Proofing:Personal Identifying Information (Experian)
Step 2	Electronic ID Proofing:NY DMV ID
Step 3	 ID Proofing with Customer Service Call to see if previously enrolled in a public program. 1-855-355-5777
Step 4	Submit Documentation

It is important that Assistors walk every single head of household 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/SpringTraining2022

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

- The Assistor may <u>not</u> 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.

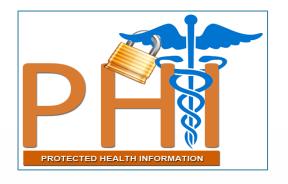
NY State of Health is a Covered Entity (specifically, a "Covered Program") of the New York State Department of Health.

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.



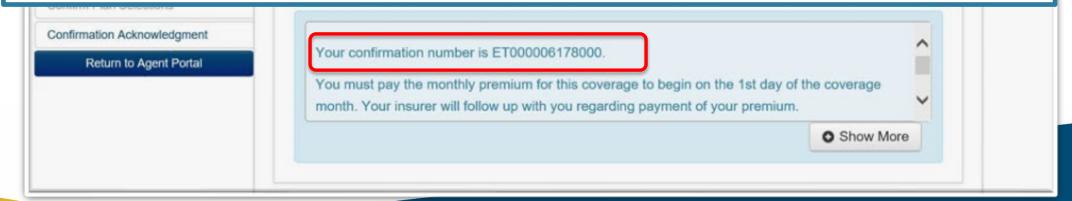




Plan Selections Confirmed

- Account Numbers (AC0000000000)
- HX IDs (HX000000000)
- Confirmation Numbers
- Other Stand-Alone Information

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



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 <u>and</u> 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
 - o (518) 457-3849

POLL QUESTION



An investigator with a local law enforcement agency contacts your organization. She is demanding the current address and other PII for a specific consumer be faxed to her immediately for a high-profile case. Are you required to give her this consumer's PII?

A. Yes

B. <u>No</u>



Contact your organization's legal department or senior manager.

The Assistor Agency must report the inquiry to us at the Department of Health: <a href="https://www.nysource.com/nysource.



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.

HIPAA: SECURITY RULE, CONTINUED



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.

SECURITY BASICS



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.

RANSOMWARE



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





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 <u>PII</u>, 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 there (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: <u>NYSOHSecurity@health.ny.gov</u>

• Telephone: (518) 457-3849



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.
- 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.
- 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.

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.
 - 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.
 - CC your Navigator Contract Manager

RECERTIFICATION PROCESS



- All Assistors and Assistor Oversight Managers who are registered or completed the online Assistor certification training by <u>10/31/2022</u> will be required to view the recertification webinars. The material included in each webinar is a supplement to what was provided during the in-person and online courses.
 - https://info.nystateofhealth.ny.gov/SpringTraining2022
- 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: https://info.nystateofhealth.ny.gov/SpringTraining2022.

Next Recertification Training:

Citizenship and Immigration

Date: July 27, 2022

Time: 10:00 – 11:30am

