

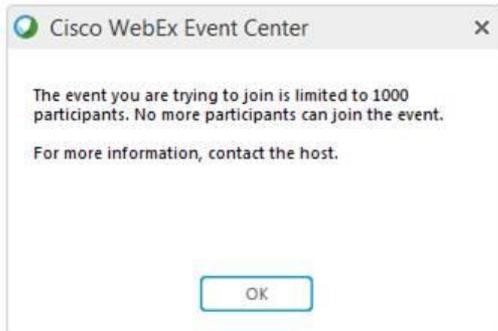
Privacy & Security



There is no sound through your computer. You must dial-in on the telephone in order to hear the sound.

**Time: 10:00am – 11:30am
Date: July 31, 2019
Dial-In Number: 1-855-897-5763
Conference ID: 2795934**

TODAY'S WEBINAR



If you see this message when logging into the webinar...



As a reminder....
If you previously registered for this webinar via:
<https://meetny.webex.com/meetny/onstage/g.php?MTID=e2de9de2b9a3bde0e8310438f7fa1839f>
and you see the message below when logging into the webinar.



Please use this alternate link to join the webinar.
<https://meetny.webex.com/meetny/onstage/g.php?MTID=e98419a6d185319cb2071721f2a6b2e3d>

The audio lines will be open for everyone and there is no limit to calling in to listen. Anyone who cannot access the Webinar will be able to follow along using the slides sent previously.
Call-in information:
Dial in: 1-855-897-5763
Conference ID: 2795934

Please note, all Assistors who are certified on NY State of Health are required to recertify annually.

Thank you for all that you do to help New Yorkers shop, compare and enroll in health insurance coverage through NY State of Health

Please find this email:
Subject Line: 2019 Spring Training Recertification Overflow Reminder | Privacy & Security
and click on the second link in order to log in.

Dial-In Number: 1-855-897-5763
Conference ID: 2795934

PRESENTERS



Welcome

Gabrielle Armenia Bureau Director of Child Health Plus & Marketplace
Consumer Assistance

Speakers

Nick Johnston Senior Healthcare Program Specialist, Division of
Eligibility and Marketplace Integration

Scarlett Camargo Office of Marketplace Counsel

Norman Massry NY State of Health Chief Information Security Officer

Kelly Lamendola NY State of Health Associate Counsel

Marketplace Information Privacy and Security



Marketplace Assistors are required by law, and by agreement with the Department of Health, to protect Personally Identifiable Information (PII) and Protected Health Information (PHI).

This training will cover:

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

What is PII?

PII is Personally Identifiable Information. PII is information that can be used to distinguish a person's identity, such as a person's name, address, telephone number, social security number or date of birth, when standing alone or when combined.

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



Use of PII

- The Marketplace uses PII provided by applicants to process eligibility determinations for health insurance programs and QHPs.
- The Marketplace 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

The Marketplace privacy and security regulations require “*Openness and Transparency*” regarding policies, procedures and technologies that directly affect consumers and their personal information.

Assistors should answer consumer’s 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 and the Terms Rights and Responsibilities.

General Privacy Attestation

- I understand the Marketplace will keep my information private as required by law. My answers on this form will only be used to determine eligibility for health coverage.
- I understand the Marketplace may use data sources, including Experian and/or the New York State Department of Motor Vehicles, to verify my identity.
- I understand that to protect my privacy, I will need to complete Identity Verification successfully, before requesting access to the selected activity.

Identity Proofing

With respect to identity proofing, below are a few items to keep in mind.

- Ensure that you have entered your legal name, current home address, primary phone number, date of birth and email address correctly. The Marketplace will only collect personal information to verify your identity with Experian, an external identity verification provider.
- Identity Verification involves Experian using information from your consumer report profile to help confirm your identity. As a result, you may see an entry called a “soft inquiry” on your Experian consumer report. Soft inquiries are only visible to you, will never be presented to third parties, and do not affect your credit score. The soft inquiry will be titled “CMS Proofing Services” and will be removed from your Experian consumer report after 25 months.
- You may need to have access to your personal and consumer report information.

[Close](#)

Terms Rights & Responsibilities

If you agree to the Terms, Rights & Responsibilities listed below, check the box at the bottom that says you agree with the information, and click on **Submit**. You can also download and print this policy for your records by clicking **Download and Print**.

To make it easier to determine my eligibility for help paying for health coverage in future years, I agree to allow the Marketplace to use income data, including information from tax returns. The Marketplace will send me a notice and let me make any changes, and I can opt out at any time.

Yes, renew my eligibility automatically for the next:

5 years (the maximum number of years allowed), or for a shorter number of years

4 years

3 years

2 years

1 year

Don't use my information from tax returns to renew my coverage.

If anyone on this application qualifies for Medicaid or Child Health Plus:

[Download & Print](#)

Health Insurance Portability and Accountability Act

- 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 since 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 and Insurance Companies
- Health Care Clearinghouses, which refers to companies that assist with claims processing or billing

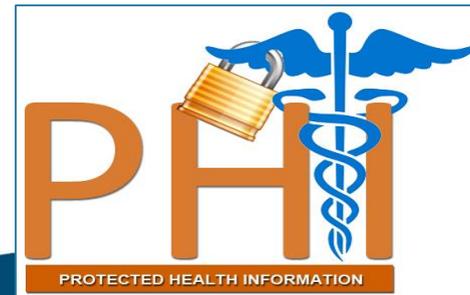
The Marketplace is a Covered Entity (specifically, a “Covered Program”) of the New York State Department of Health

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.”

PII + “Health Information” = PHI

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



Business Associates



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

Business Associates have a Business Associate Agreement or BAA with the Marketplace.

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 is PHI that may only be used for Marketplace program purposes.



Assistors may only use PHI for Marketplace program purposes. It may not be re-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, he or she should **not** have access to PII or PHI.

Poll Question # 1

An investigator with a local law enforcement agency contacts your organization and states she needs PII for a specific consumer for a time-sensitive investigation. The appropriate response is:

- a) Validate the investigator's credentials and provide only the specific information sought (minimum necessary) in paper format;
- b) Contact the consumer;
- c) Contact your organization's legal department or senior manager.

After contacting your legal department, please report that you received an inquiry to us at the Department of Health.

Poll Question #2

John has been working as an Assistor for a few months. His girlfriend asks him how work is going and he describes a meeting with a client that didn't go well, but does not repeat the name of the individual consumer.

Is this appropriate?

- a) Yes
- b) No

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 Marketplace 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 speaking to a representative of NY State of Health or its Customer Service Center.
- Transmit PII/PHI via email.
 - Except in limited 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.

Poll Question #3

You accidentally leave your laptop in your car overnight. In the morning you discover your car was broken into, and the laptop is missing, but you know it was password protected. What is the FIRST action you should take?

- a) Contact your employer (assistor organization) to report the theft.
- b) Contact the police and file a police report.
- c) Contact the Marketplace directly.

- 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.
- PII and PHI must not be stored on a laptop or PC.
 - The next three slides provide instructions on how to securely open a consumer's notice and how to delete it from your computer if needed.

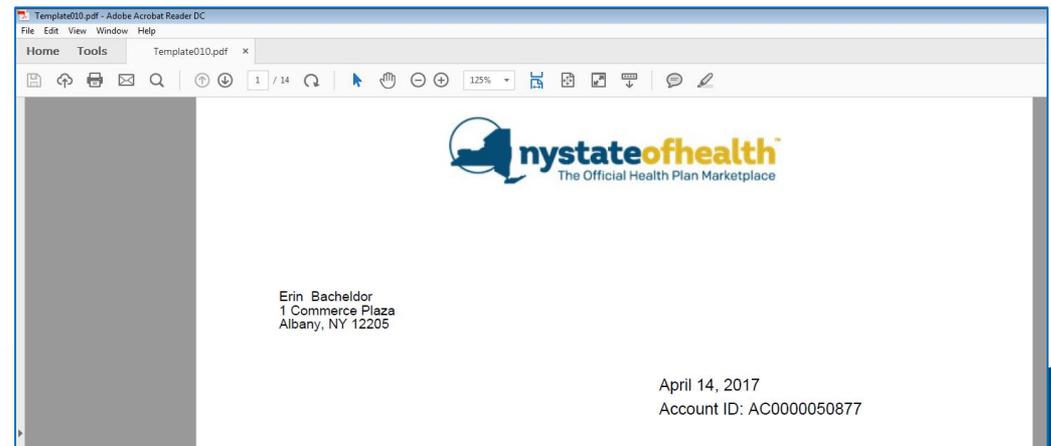
Viewing Notices: Internet Explorer

My Inbox

You can view all the messages and the notices from the Marketplace in your Inbox. You can view the message by clicking on the icon in the **View** column. If you want notices provided in another format due to blindness or visual impairment, call the Marketplace at 1-855-355-5777.

Messages

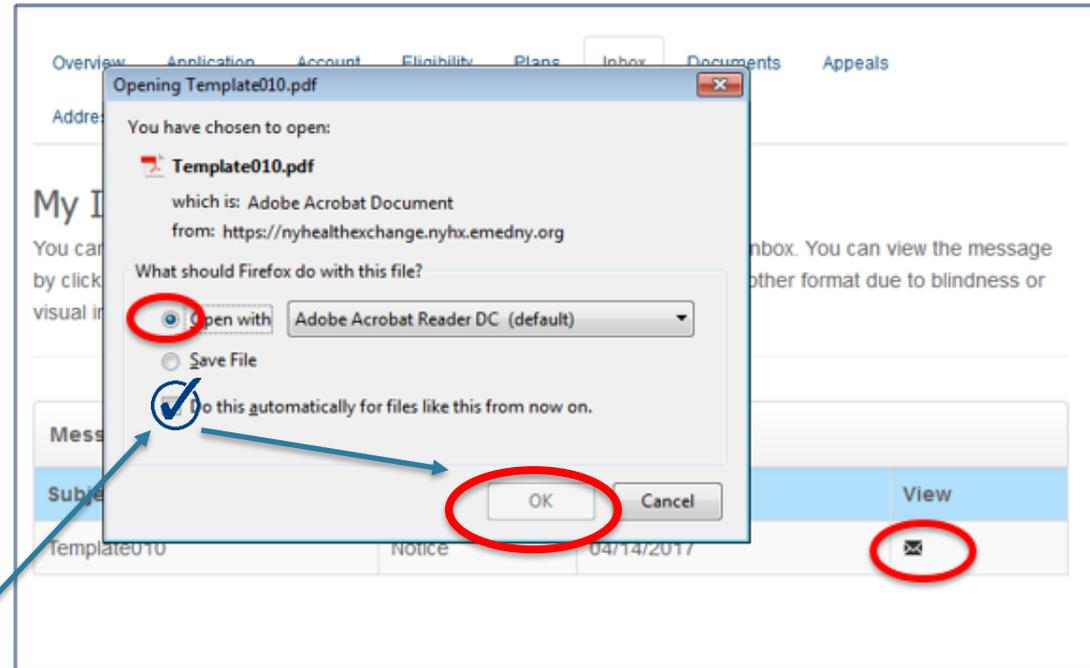
Subject	Type	Date	View
Template010	Notice	04/14/2017	



- Be sure to click on “Open” and not “Save” in order to avoid a copy of the document automatically saving to your computer.

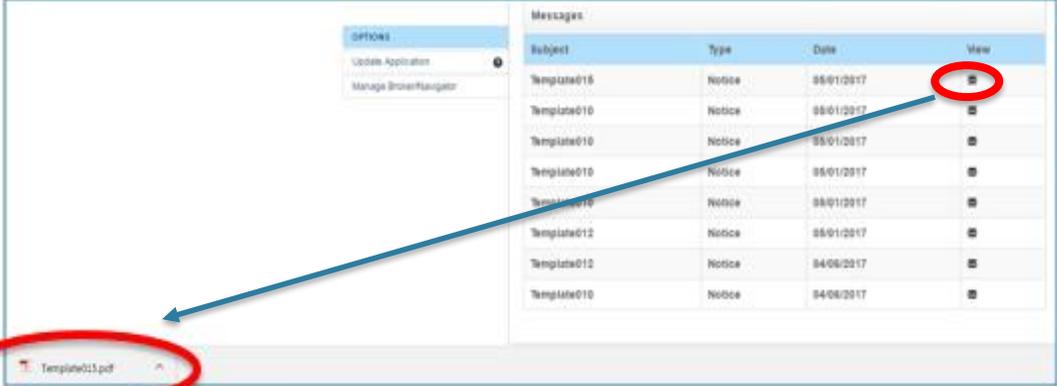
Viewing Notices: Mozilla Firefox

- Be sure to click on “Open with” and not “Save File” in order to avoid a copy of the document automatically saving to your computer.
- You may also check the box for “Do this automatically from now on” and “OK”



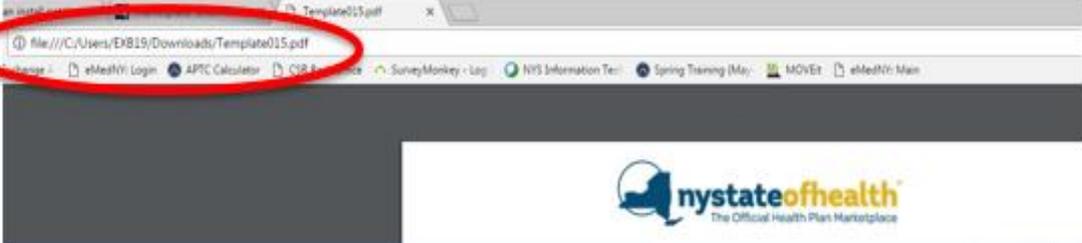
Viewing Notices: Google Chrome

- When you click on the notice, it automatically creates a PDF which you must click on in order to view.
- When viewing the PDF, you can see the file path where the document has been saved on your computer.
- Follow this file path (usually a Temp file, or a Download file) to delete it.

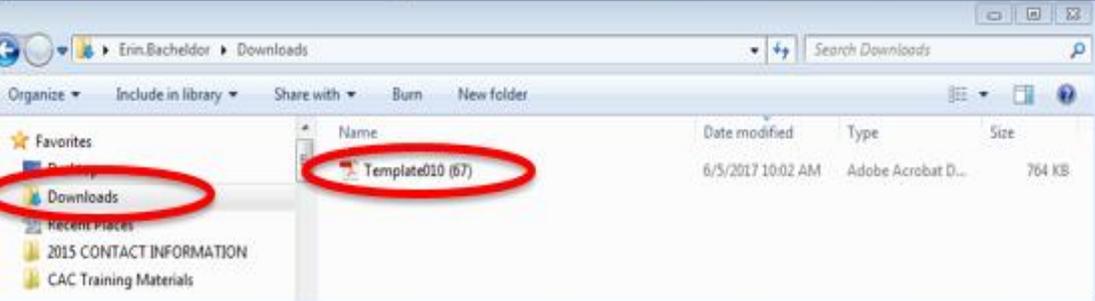


The screenshot shows the 'Messages' section of the nystateofhealth website. A table lists several notices with columns for Subject, Type, Date, and View. A red circle highlights the 'View' button for the first notice, 'Template015'. A blue arrow points from this button to a PDF file named 'Template015.pdf' in the browser's download bar, which is also circled in red.

Subject	Type	Date	View
Template015	Notice	05/01/2017	View
Template010	Notice	05/01/2017	View
Template010	Notice	05/01/2017	View
Template010	Notice	05/01/2017	View
Template010	Notice	05/01/2017	View
Template012	Notice	05/01/2017	View
Template010	Notice	04/06/2017	View
Template010	Notice	04/06/2017	View



The screenshot shows a Google Chrome browser window with the address bar displaying the file path: file:///C:/Users/EXB19/Downloads/Template015.pdf. The address bar and the file path are circled in red.



The screenshot shows a Windows File Explorer window with the 'Downloads' folder selected. The file 'Template010 (67)' is highlighted in the file list, and the 'Downloads' folder in the left sidebar is also circled in red.

Marketplace E-mail Restrictions



- Assistors must NOT send PII and/or PHI via e-mail.
- Assistors must instruct consumers not to send PII or PHI to the Assistor organization via e-mail or text. Consumers should never text photos of documents.
- 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.

Marketplace E-mail Restrictions



IMPORTANT Income documents: - Message (HTML)

File Message Insert Options Format Text Review Tell me what you want to do

Cut Copy Paste Format Painter Clipboard

Arial 12 Basic Text

Address Book Check Names Attach File Attach Item Signature

Follow Up High Importance Low Importance Tags My Templates

From To... CC... Subject

To: jenny@gmail.com

Subject: IMPORTANT Income documents:

Good Afternoon Jenny,

I have received your income documents which will be uploaded into your NY State of Health application.

In the future, we **cannot** accept information via e-mail or text. Any documents required to complete a Marketplace application must be brought to our office in-person or sent via U.S. Mail to:

Assistor Organization
Attn: Individual Assistor Name
Address line 1
Address Line 2

If you have any questions call: [insert your phone number].

Thank you!

Encrypted E-mail

In limited, **time-sensitive** circumstances, an Assistor 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.

Assistors and PII

- Assistors must not keep copies of consumer documents, such as copies of passports.
 - If the consumer can't finish the appointment, he or she should take their documents with them until they can re-schedule.
- Documents containing PII must be provided to the Assistor in-person or by regular mail.
 - For example: if following an in-person appointment, a consumer needs to provide additional copies of paystubs, the consumer may hand-deliver or mail the documents to the Assistor in a sealed envelope, clearly marked with the Assistor's name and organization (including client name and AC number). Assistor organizations may provide self-addressed labels for this purpose.

Assistors and PII Cont'd



- Assistors may maintain the names and telephone numbers of clients to make individual appointments and follow-up as needed regarding Marketplace coverage.
- Other client information must be stored in the Assistor dashboard. It may not be stored in other systems, such as Outlook.
- Contact information for clients must not be used for any other program purpose. Its use is limited to Marketplace enrollment assistance.

Faxing Identity Proofing Documents to the Marketplace



Any Fax sent to the Marketplace must have a cover sheet that is clearly labeled with 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 the Marketplace for each client, the Assistor must prepare two (2) separate faxes with separate cover sheets.

Faxing Documents to the Marketplace

1. Complete cover page for person #1
2. Send the fax with his cover sheet and his documents
3. Receive fax confirmation



New York State of Health (NYSOH)
Fax to: 518-560-5102

Identity Proofing Only

TO: NYSOH Identity Proofing	FROM (NAVIGATOR/CAC NAME):
CLIENT ACCOUNT #: AC0000000001	TOTAL # OF PAGES:
NAVIGATOR/CAC PHONE #:	DATE OF FAX:
AGENCY NAME:	RE: ID PROOFING

One cover sheet should be completed for each account.

Remember to write the primary account holder's NYSOH Account Number on each page of the fax.

Submission of incorrect or incomplete documents may cause a delay in processing.

The contents of this facsimile and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender.

1. Complete cover page for person #2
2. Send the fax with her cover sheet and her documents
3. Receive fax confirmation



New York State of Health (NYSOH)
Fax to: 518-560-5102

Identity Proofing Only

TO: NYSOH Identity Proofing	FROM (NAVIGATOR/CAC NAME):
CLIENT ACCOUNT #: AC0000000002	TOTAL # OF PAGES:
NAVIGATOR/CAC PHONE #:	DATE OF FAX:
AGENCY NAME:	RE: ID PROOFING

One cover sheet should be completed for each account.

Remember to write the primary account holder's NYSOH Account Number on each page of the fax.

Submission of incorrect or incomplete documents may cause a delay in processing.

The contents of this facsimile and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender.

Uploading Documents to the Marketplace



- Consumer documents that contain PII (i.e. paystubs or immigration documents) must be uploaded one document at a time.
 - For example: If one consumer has provided six separate documents related to her application, the Assistor should upload each document individually.
- Before uploading **each** document an Assistor must check at least three (3) different elements of PII in the document against the account, to verify that the document matches the account.
 - For example: Before uploading paystub copies, the Assistor should verify that the name and the address and the last four digits of the SSN on **each** paystub match the name and 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 on each document to validate that the document matches the account.

Document Linking Checklist



The Document Linking Checklist is a tool to help Assistors in checking at least three (3) different types of PII on each document against the PII on the account.

Do not upload the checklist itself. The checklist is a reference tool to assist in checking PII as each consumer document is uploaded.

NOTE: If an Assistor is not able to match three (3) different types of PII on a document, they should “hold” on uploading that document until they double check that the document matches the particular account.

Document Linking Checklist			
Answer the following questions before linking each document to a consumer's account.			
	Yes	No	N/A
Does the name on the document, match the name of a consumer listed in the account you are linking to?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If there is an address listed on the document, does it match the address of the consumer account you are linking to?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If there is a SSN on the document, do the last four digits match the last four digits of the SSN of a consumer listed in the account you are linking to?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If there is a DOB on the document, does it match the DOB of a consumer listed in the account you are linking to?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
After reviewing the questions above, have you confirmed you are linking this document to the correct account?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Be sure to delete the document after it has been uploaded.

Incident Reporting

- If an Assistor suspects there has been a loss or potential loss of PII or PHI, including an unauthorized use or disclosure, he/she must *immediately* report it to a supervisor.
- Assistor organizations must promptly report to the Marketplace any loss or potential loss of PII or PHI.



Effective Immediately: Assistor organizations must also send an email to NYSOHSecurity@Health.ny.gov to report any loss or potential loss of PII or PHI.

Scenario #1

You accidentally locked yourself out of your work computer. You have a client appointment in 5 minutes, that you have already re-scheduled twice.

Your co-worker Paul, offers to let you use his user ID and password for this one appointment, while the Help Desk is “unlocking” your account?



Authorized Representatives



- Assistors must explain to consumers that the Marketplace takes every precaution to maintain the privacy and security of their information.
- Assistors and the Call Center cannot give information out to individuals who have not been designated as an Authorized Representative (AR) by the account holder and identity proofed.
- Identity verification protects the account holder, and everyone else who is listed on the account from unauthorized access.

Authorized Representatives, Cont'd



- Assistors may explain the process to designate an Authorized Representative (AR) and inform the consumer that this includes a family member, friend, lawyer or other trusted person.
- Consumers are now able to add an AR to their account as part of their online application. This functionality can be accessed by having the consumer log into their account independently (not from the Assistor dashboard), or by calling the call center.
- There are two types of ARs that the consumer can add to their account:
 - **24 Hour ARs** - **Will not** be required to be identity proofed
 - Have access to a consumer's account for 24 hours from when access is granted or until consumer chooses to end access before 24 hours expires
 - **Permanent ARs** - **Will be** required to be identity proofed
 - Have indefinite access to a consumer's account until the consumer chooses to end the access

Authorized Representatives, Cont'd



- Assistors can still present the “Combined Authorized Representative Designation and Authorized Representative Identity Verification Form”.
- The Assistor may help the consumer complete the forms:
 - Schedule another appointment (if needed) to gather identity proofing documents for the AR and fax the forms to the Marketplace.
 - OR
 - Advise the consumer on how to fax or mail the documents to the Marketplace themselves (if they don’t have the appropriate documents available during their appointment). In this scenario, the Assistor should take the time to review the forms and all of the instructions on the forms with the consumer to ensure that they understand the entire process and what documents will be acceptable.
- Assistors should contact the Call Center to find out if the forms have been successfully processed and gain permission to work with the AR directly.

Scenario #2

You meet with Mrs. Lin in person and help her create an account and apply for coverage for herself, her spouse and her son. So, Mrs. Lin is the Account Holder for her family's health care application.

A few days later her husband Mr. Lin, stops by your office and wants to discuss the pending application. He explains that Mrs. Lin asked him to follow-up.



Sanctions

Individuals who do not comply with Privacy & 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



- 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.

Key Points

The Marketplace 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 safeguarded at all times, 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 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.

Questions?



Recertification Process



- All Assistors who are registered or completed the in-person or online Assistor Certification training by 10/31/2019 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. There may be changes to the plan selection options that will only be reviewed during the recertification webinars.
 - <https://info.nystateofhealth.ny.gov/SpringTraining>
- Assistors, keep track of the date you watched the live webinar or the video for each of this year's four (4) recertification webinars.
- Provide your dates to your supervisor so they can complete the Recertification Report.

Thank you for joining us!



- Please complete the survey
 - Evaluation of Webinar: Privacy and Security
- As always, watch for the video and materials to be posted to:
<http://info.nystateofhealth.ny.gov/SpringTraining>

Recertification Webinars

August 21	-	What's Coming
September 25	-	Open Enrollment & Renewals
October 23	-	2020 QHP and EP Line-Up