

# PRIVACY & SECURITY



**Time: 10:00am – 11:30am**  
**Dial-In Number: 1-855-897-5763**  
**Conference ID: 53178799**

# TODAY'S WEBINAR



- Dial in to listen to the audio portion of the webinar using the audio instructions on your WebEx control panel.
- All participants will remain muted for the duration of the program.
- Questions can be submitted using the Q&A function on your WebEx control panel; we will pause periodically to take questions.
- A recording of the webinar and any related materials will be available online and emailed to all registrants.

## Here's what you said:

- More than 96% said it “increased my knowledge of the topic(s)”.
- More than 95% said “the information will allow me to better assist consumers eligible for various programs”.

*“The training was very interesting, the trainers gave clear and accurate explanations!”*

*“Thanks for the updates! I was trained in 2013 and needed them.”*

*“There was a lot of information. I need to review the slides again”*

*“Can you start including the poll questions again?”*

# PRESENTERS



## Welcome

Gabrielle Armenia

Bureau Director of Child Health Plus Policy & Exchange  
Consumer Assistance

## Speakers

Erin Bacheldor

Medical Assistance Specialist, Division of Eligibility and Marketplace Integration

Kelly Lamendola

Associate Counsel, Office of Marketplace Counsel

K. Pamela Lavillotti

Project Manager, Bureau of Child Health Plus and Exchange Consumer  
Assistance

Lisa Sbrana

Director, Office of Marketplace Counsel

# NY State of Health

## The Official Health Plan Marketplace

- NY State of Health or the “Marketplace” is a program of the New York State Department of Health
- The Marketplace receives information from applicants for health insurance subsidy programs such as Medicaid, Child Health Plus, and the Essential Plan; and applicants for Qualified Health Plan (QHP) coverage

# Streamlining Procedures for Eligibility and Enrollment



The ACA calls for an eligibility and enrollment system that is simplified, **technology enabled** and consumer centric.

States must use a **single, streamlined application** that may be used for:

Public programs including Medicaid, Child Health Plus, Essential Plan and QHP Coverage with or without Advance Premium Tax Credits and Cost Sharing Reductions

- In-Person Assistors are available to meet with consumers face to face and help them complete their online application.

# Electronic Data Matching

Under the ACA, States must:

Determine consumers' eligibility for health insurance subsidy programs or Qualified Health Plans based on electronic data matching with existing federal and state sources.

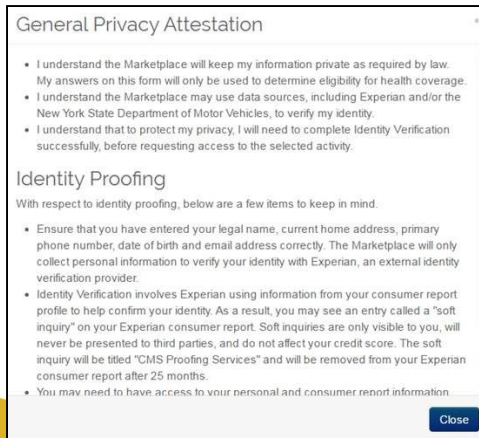
The Marketplace exchanges data with the federal data services hub administered by the Centers for Medicare and Medicaid Services (CMS) and with state data sources to make eligibility determinations and process applications for coverage.

# 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**

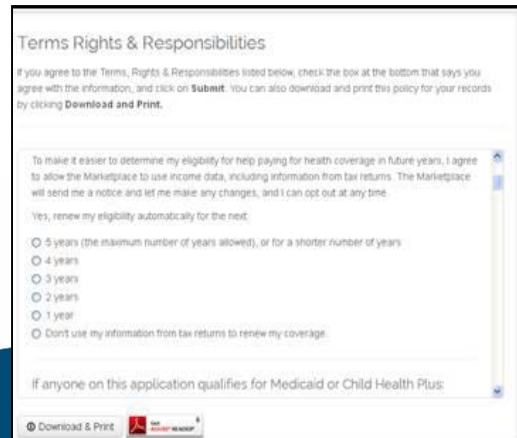
- I understand the Marketplace will keep my information private as required by law. My answers on this form will only be used to determine eligibility for health coverage.
- I understand the Marketplace may use data sources, including Experian and/or the New York State Department of Motor Vehicles, to 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



# 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 their 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.

# Safeguarding PII

- Assistors must use operational, administrative, technical and physical safeguards to prevent unauthorized access, use or disclosure of PII.
- Access to PII within Assistor Organizations should be limited to the staff with a need to know for assigned job responsibilities.

# Poll Question #1

Which of the following is PII? (check all that apply)

- Email Address
- Cell Phone Number
- Social Security Number
- Employer Name
- HX Identification Number
- Copy of Passport
- Paystub (name, wage, deductions)

# HIPAA

- HIPAA is a federal law passed in 1996 and amended by another federal law 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.



# 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

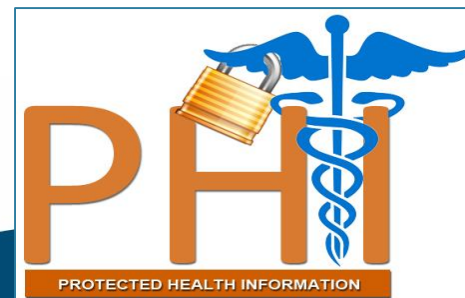
The Marketplace is a Covered Entity (specifically, a “Covered Program”) of the New York State Department of Health

# 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



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.

# HIPAA: Privacy and Security



HIPAA includes a Privacy Rule and a Security Rule that require the protection of PHI held by Covered Entities and Business Associates.

- ★ 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 to PII/PHI (“need to know”).
- Access to PII/PHI must limited to what is minimally necessary for staff to do their jobs.

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

# HIPAA: Security Rule

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



## Protect your 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 anti-virus software.
4. Always secure your computer when you leave your desk so that PII/PHI are not visible on the screen.
5. Secure any paper PII/PHI. Do not leave PII/PHI in a standard recycling bin or trash can.
6. Shred PII/PHI when finished with it, or store securely.

# Security Basics

## Public Location



<b>Problem</b>	<b>Corrective Action</b>
Shoulder Surfers	Choose a space within your public location that is least subject to your computer screen being viewed by others.
Eaves Droppers	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.

# Marketplace Information Security

- PII and PHI must not be saved on a laptop or PC.
- PII and PHI must not be copied on to mobile devices, such as flash drives or disks.



# Marketplace E-mail Restrictions

- PII and PHI must NEVER be sent via standard e-mail, such as Outlook or Gmail.
- Assistors must NOT accept PII from consumers via e-mail.
- In some circumstances, an Assistor may send PII or PHI via encrypted email to specific DOH staff members or mailboxes with a need to know.
  - May use **encrypted** e-mail such as “Winzip” or “7Zip” with the password or “key” to the encrypted file sent in a separate e-mail.

# Faxing 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 Mario
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 #: <b>AC0000000001</b>	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 Princess
2. Send the fax with her cover sheet and her documents
3. Receive fax confirmation.





**New York State of Health (NYSOH)**  
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## Identity Proofing Only

TO: NYSOH Identity Proofing	FROM (NAVIGATOR/CAC NAME):
CLIENT ACCOUNT #: <b>AC0000000002</b>	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.

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# Uploading Documents to the Marketplace

Before uploading a document to the Marketplace that contains PII, the Assistor must complete a PII checklist to verify multiple elements of PII on the document against the PII on the account, to validate that the document is being linked to the correct consumer.

For example, before uploading a copy of a paystub for Christine Jones to Ms. Jones' account, the Assistor should verify that the:

- first and last name; *and*
- address; *and*
- last four digits of SSN; *and*
- date of birth.

on the paystub match the information on the account.



# Document Linking Checklist



Answer the following questions before linking each document to a consumer's account.

Linking - Questions	Yes	No	N/A
Does the name on the document, match the name of a consumer listed in the account you are linking to?			
Is there an address listed on the document?			
If there is an address listed on the document, does it match the address of the consumer account you are linking to?			
Is there an SSN on the document?			
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?			
Is there a DOB on the document?			
If there is a DOB on the document, does it match the DOB of a consumer listed in the account you are linking to?			
After reviewing the questions above, are you linking this document to the correct account?			

# 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.

# Authorized Representatives

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

## How can Assistors help families ahead of time?

- Assistors may explain the process to designate an Authorized Representative to the consumer and remind them that this includes all of their listed household members (including their spouse)
- If appropriate, Assistors can present the “Combined Authorized Representative Designation and Authorized Representative Identity Form” to the consumer at their first appointment. The Assistor may:
  - Help the consumer complete the forms.
    - Schedule another appointment (if needed) to gather identity proofing documents for the Authorized Representative 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.
  - Call the Call Center to find out if the forms have been successfully processed and gain permission to work with the Authorized Representative directly.



## Poll Question #2

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.

# Scenario #1

You meet with Mrs. Perez in person and assist her in creating an account and obtaining health insurance for herself, her spouse, and their two kids. The spouse calls you directly the next day, and wants information regarding the kids' coverage. The appropriate response is:



## Poll Question #3

You have a scheduled appointment with a consumer but are not able to access the Marketplace because you cannot remember your password. The appropriate course of action is to:

- a) Delay the appointment while you contact the Marketplace to re-set your password
- b) Speak to your supervisor who is an authorized Assistor, to request permission to use their User ID and password to access the Marketplace system, to keep the appointment
- c) Ask your supervisor to re-set your password for you and ask them to store your password so that they can tell you what it is in case you forget in the future

# Sanctions

Individuals who do not comply with Privacy & Security Requirements may be subject to fines and 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 Penalties

The 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.

# 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 technical and administrative safeguards to protect the security of PII and PHI, including the encryption of laptops.
- Never sending PII or PHI via standard e-mail.
- Use of the Document Upload checklist for every document and separate faxes.
- Reporting any potential privacy or security concern promptly.
- Periodically reviewing the security controls that are in place and updating as needed.

# Questions?



# Reminder

## Recertification Process

- All Assistors must view all webinars to be recertified.
  - Please keep track of the date that you watched this webinar
- The reporting process for recertification is currently being finalized and information will be forthcoming.





Thank you for joining us!

Next Recertification Training:

Title: What's Coming

Date: October 5, 2016