

Privacy & Security



Time: 10:00am – 11:30am
Dial-In Number: 1-855-897-5763
Conference ID: 30742218

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 take questions at the end of the presentation.
- A recording of the webinar and any related materials will be available online and emailed to all registrants.

PRESENTERS



Welcome

Gabrielle Armenia

**Bureau Director of Child Health Plus Policy &
Exchange Consumer Assistance**

Speakers

Kelly Lamendola

Associate Counsel, Office of Marketplace Counsel

Norman Massry

Information Security Officer, NY State of Health

NY State of Health

The Official Health Plan Marketplace

- NY State of Health or “Marketplace” is a program of the New York State Department of Health
- The Marketplace allows consumers to apply for health insurance subsidy programs such as Medicaid, Child Health Plus, the Essential Plan and premium tax credits.
- Consumers may also shop for and enroll in Qualified Health Plans (“QHPs”).

Streamlining Procedures for Eligibility and Enrollment



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

States must use a **single, streamlined application** for all public health insurance programs including Medicaid, Child Health Plus, the Essential Plan and QHP Coverage with or without Advance Premium Tax Credits and Cost Sharing Reductions

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

Electronic Data Matching

Under Federal law, 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.

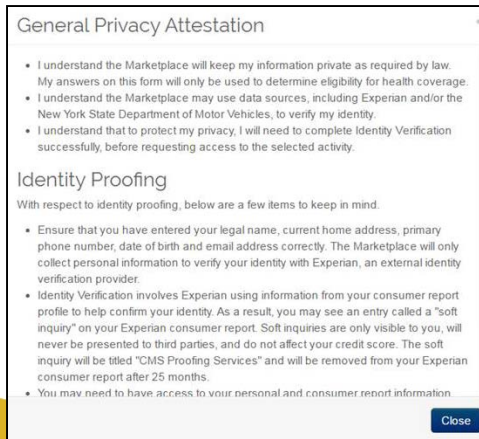
The Marketplace exchanges data with the federal data services hub administered by the Centers for Medicare and Medicaid Services (CMS) and with state data sources to make eligibility determinations and process applications for coverage.

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 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.

Poll Question #1

True or False? It is ok to tell your supervisor that your last consumer lives on the same street as they do since it is a small town.

True

False

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 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

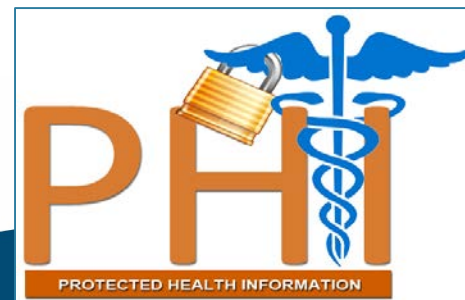
The Marketplace is a Covered Entity (specifically, a “Covered Program”) of the New York State Department of Health

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

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 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.

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.

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.

- Never save or copy PII and PHI to mobile devices, such as flash drives or portable disk drives.
- 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

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

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	

Do you want to open or save **Template010.pdf** from nyhealthexchange.nyhx.emedny.org?

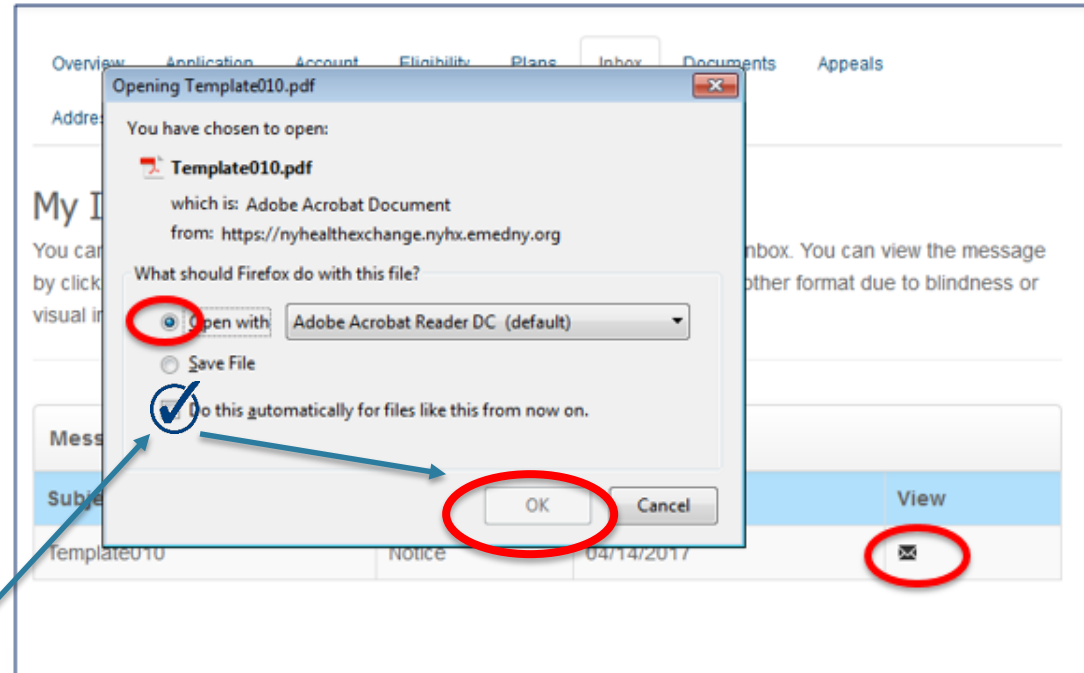


Erin Bachelder
1 Commerce Plaza
Albany, NY 12205

April 14, 2017
Account ID: AC0000050877

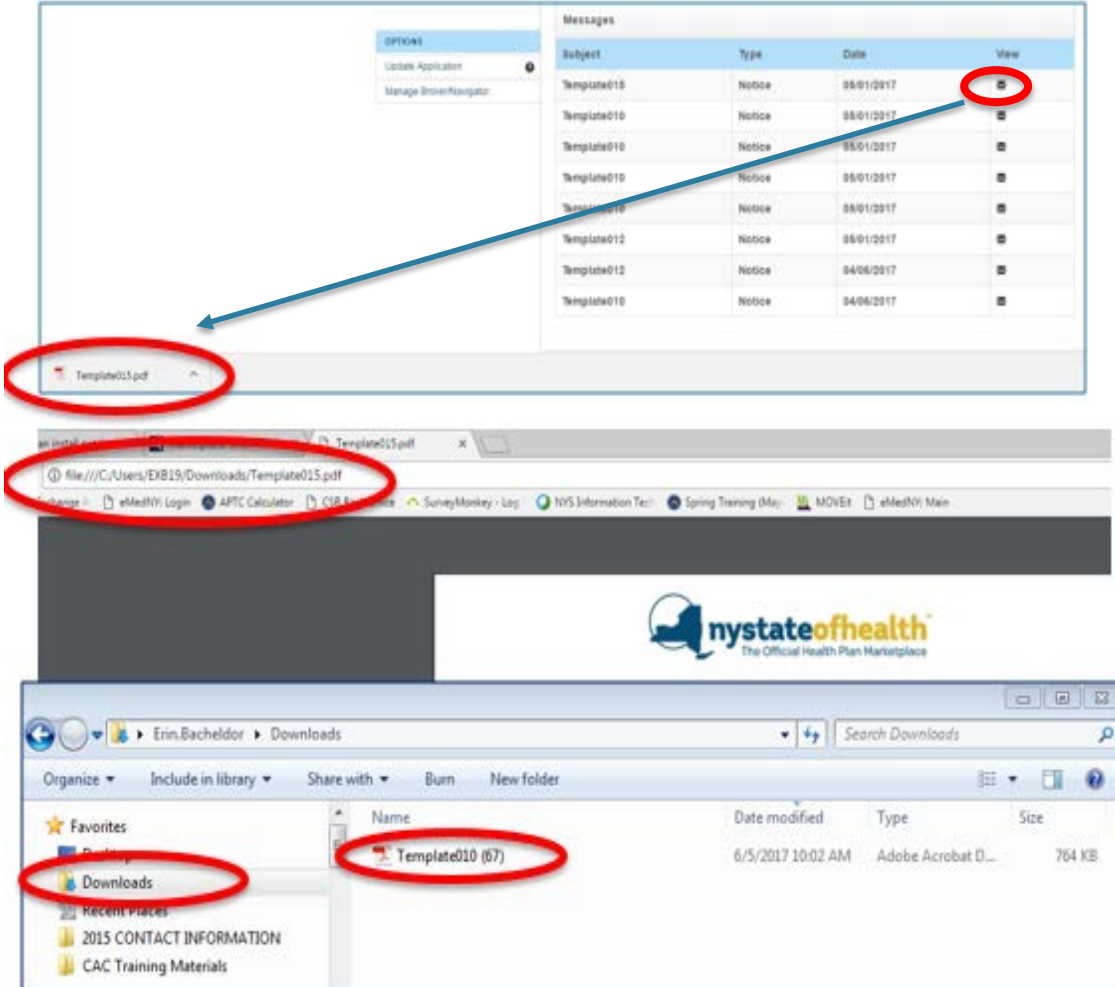
Viewing Notices: Mozilla Firefox

- 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 illustrates the process of viewing a notice and locating the downloaded PDF file. It is divided into three main sections:

- Top Section:** A web application interface with a table of notices. The table has columns for Subject, Type, Date, and View. A red circle highlights the 'View' button for the first notice (Template015).
- Middle Section:** A browser window showing the PDF viewer. A red circle highlights the file path in the address bar: `file:///C:/Users/EXB19/Downloads/Template015.pdf`.
- Bottom Section:** A Windows File Explorer window showing the 'Downloads' folder. A red circle highlights the 'Downloads' folder in the left sidebar, and another red circle highlights the file 'Template010 (67)' in the main pane.

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
Template012	Notice	04/06/2017	View
Template010	Notice	04/06/2017	View

Marketplace E-mail Restrictions



- Assistors must NOT send PII and/or PHI in the body of an e-mail.
- In limited 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.
 - 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.
 - Only official Assistor email accounts may be used to send encrypted e-mail to DOH (not Gmail, Yahoo, etc.)

Assistors and PII

- Assistors must not keep copies of consumer documents.
 - If the consumer can't finish the appointment, he or she should take their documents with them until they can re-schedule.
 - Consumers should not leave PII with staff at the Assistor agency who are not their Assistor (such as a receptionist).
- Assistors must not receive consumer documents by fax or mail.
 - Documents containing PII must be provided to the Assistor in-person.

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 #: 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 Princess
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 must be uploaded by Assistors to individual consumer accounts in the Marketplace contain PII (i.e. paystubs, immigration documents).
- Before uploading a document an Assistor must take careful steps to verify that the document matches the account.
- For each document, an Assistor must complete the Document Linking Checklist to check multiple elements of PII on the document against the PII on the account.

Document Linking Checklist



For example, before uploading a copy of a paystub for Christine Jones to Ms. Jones' account, the Assistor must validate 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.

If one consumer has provided three separate documents, a Checklist must be completed for EACH document prior to upload.

Do not upload the Checklist. Only the document is uploaded.

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.

Poll Question #3

A consumer states that they are very busy. They hand you a file of documents and ask you to complete their application for them. What should you do?

- a) Sternly tell them you will not process this request because you could be sued.
- b) Thank them for being so thorough and let them know you'll call them with their results.
- c) Take a moment to identify which documents you absolutely need before they leave.
- d) Explain that you are not permitted to have access to their documents without them present and offer to reschedule when they have more time.

Authorized Representatives

- Assistors must 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.

Authorized Representatives



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.

Scenario

You meet with Mrs. Perez in person and assist her in creating an account and applying for health insurance for herself, her spouse, and their two kids. She tells you that she would prefer that her spouse choose the health plans which are right for each family member and asks you to call him later when he gets off work. The appropriate response is:



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 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 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 in the body of a standard e-mail.
- Use of the Document Linking Checklist for every document upload and separate faxes.
- Reporting any potential privacy or security concern promptly.
- Periodically reviewing the security controls that are in place and updating as needed.

Poll Question #4

You discover that your work laptop has been stolen and you have an appointment with a consumer in 5 minutes. What should you do?

- a) Use your personal laptop, but be sure not to save any PII or PHI on it.
- b) Call the consumer to find out if they have a device which can be used to apply on the Marketplace.
- c) Reschedule or delay the appointment and immediately report the breach to your supervisor.
- d) Since the laptop was encrypted, there is no need to delay the appointment. Offer to meet the consumer at the library to apply online using the library computer.

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 New/What's Coming

Date: July 12, 2017