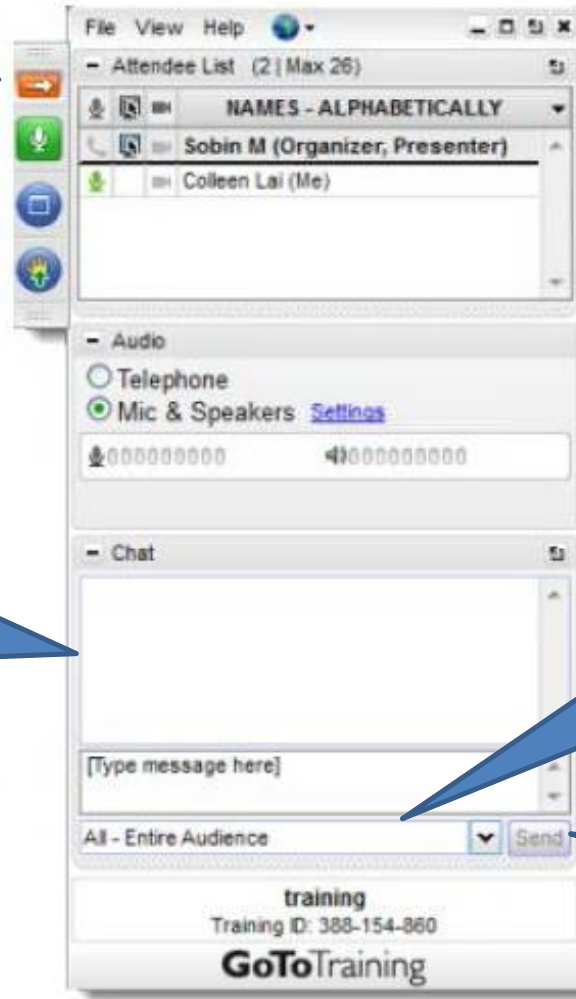# HIPAA/FERPA & IIS

Your GoToTraining Control Panel

Use the arrow to open and close the control panel

Use the chat box to type in questions and comments

Choose the whole audience or a specific person to receive your chat.

Click Send!

File   View   Help

Attendee List   (2 | Max 26)

NAMES - ALPHABETICALLY

Sobin M (Organizer, Presenter)

Colleen Lai (Me)

Audio

○ Telephone
◉ Mic & Speakers   Settings

Chat

[Type message here]

All - Entire Audience   Send

training
Training ID: 388-154-860

GoToTraining

Washington State Department of Health

Today's Training Objectives

- Overview of Health Insurance Portability and Accountability Act of 1996 (HIPAA)

- Overview of Family Educational Rights and Privacy Act (FERPA)

- Center for Disease Control and Prevention (CDC) IIS requirements

- Overview of IIS Information Sharing Agreements

- Learn which fields are confidential in the IIS

- Learn what you can do to ensure IIS security

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Confidentiality Overview

Federal Health and School Information Policy
Family Educational Rights and Privacy Act, Health Insurance Portability and Accountability Act (FERPA, HIPAA)

CDC Functional Standards
Suggestions for an appropriate privacy policy at the state level

State IIS Policy
WA-IIS Information Sharing Agreements, Confidential Fields in the IIS

Individual Organization Policy
Confidentiality Policy and Security Policy within Organization

HIPAA

- Health Insurance Portability and Accountability Act of 1996 (HIPAA) accessed here
  - HIPAA applies to "covered entities" and "business associates" of covered entities.
  - HIPAA privacy rule protects individually identifiable health information (protected health information, or PHI) from misuse and unauthorized disclosure.
  - HIPAA compliance requires implementing standards and safeguards for accessing, using, and disclosing PHI. This generally means using and disclosing PHI the "minimum necessary" and establishing physical, technological, and administrative safeguards for PHI.

HIPAA

–   Covered entities are allowed to use and disclose PHI without patient authorization for a number of purposes, such as for treatment and payment for treatment.

–   Generally, under the Privacy Rule, public health agencies can obtain PHI from covered entities if the agency receives *patient authorization*.

–   The Privacy Rule does not restrict the use or disclosure of de-identified health information.

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HIPAA

- The Privacy Rule contains relatively broad exceptions that allows covered entities to use and/or disclose PHI without patient authorization. These are (a) as required by law, (b) for public health activities, (c) disclosures about victims of abuse, neglect or domestic violence, (d) for health oversight activities, (e) for judicial and administrative proceedings, (f) for law enforcement, (g) about decedents, (h) for organ donation, (i) for research, (j) to avert a serious threat to health or safety, (k) for specialized gov't functions, and (l) for workers' compensation. 45 CFR 164.512.

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FERPA

- Family Educational Rights and Privacy Act (FERPA) accessed here
  - FERPA prevents the disclosure of a student's personally identifiable information (PII) and education records without the consent of a parent or eligible student. PII includes name, address, and other direct and indirect student identifiers, or other information that could be used to identify a student.
  - FERPA applies to all educational institutions and educational agencies that receive any funds for programs administered by the US Department of Education.
  - All public schools and school districts and most colleges are covered by FERPA.
  - Private and religious elementary schools are not FERPA covered because they do not receive funding from the Dep't of Ed.

FERPA

- FERPA covers PII and education records. Education records are records that *directly relate to a student* and are *maintained by an educational agency or institution or by a party acting for the agency or institution.* This includes immunization information and other student health records maintained by a school nurse.

- Under FERPA, Dep't of Ed funded schools and entities acting on their behalf can disclose education records-including immunization information- to public health agencies if the parent or eligible student has consented to the disclosure.

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FERPA

- FERPA contains some exceptions from the prior consent requirement. See 34 CFR 99.31. However, FERPA exceptions have been narrowly construed, which favors student privacy over competing considerations.

- Unlike HIPAA, FERPA does not contain a public health exception, and education records, including immunization information, are expressly excluded from HIPAA.

- FERPA has an exception that allows for disclosure of covered records in connection with health and safety emergencies if the disclosure is necessary to protect the health and safety of the student or other individuals, but this is narrowly construed.

Consequences of Noncompliance

- **HIPAA:** No private right of action. DHHS's Office of Civil Rights (OCR) investigates complaints of noncompliance. In cases of noncompliance (even if its unintentional), the Secretary of HHS is directed to resolve matters informally or formally. The most common outcomes are civil penalties and agreements to take steps to meet HIPAA standards.

- **FERPA:** No private right of action. People may file complaints with Dep't of Ed Family Policy Compliance Office (FPCO). FPCO is authorized to revoke Dep't of Ed funding for institutions that violate FERPA.

CDC IIS Functional Standards

- IIS must protect the privacy of all users, including children, families, and providers.

- All IIS must have a written privacy policy that clearly defines the following:
  - **Notification** – Parents/patients must be notified of the existence of the IIS, what information will be contained in it, and how the information will be used.
  - **Choice** - Must be allowed to choose whether to participate in the IIS.
  - **Use of IIS information** - IIS information must only be used for its intended purpose and not be used in a punitive manner.
  - **Access to and Disclosure of IIS information** - Policies must clearly define who has access to IIS information, what constitutes a breach of confidentiality, and what the associated penalties are.
  - **Data Retention** - The period of time that IIS information will be kept.

CDC IIS Privacy & Confidentiality Information

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IIS Information Sharing Agreements

- Agreement between WA DOH and authorized providers (medical providers, schools, health plans etc.)

- Two types of agreements (recently updated) updated in March 2017
  - 1 for view only access (renewal after 3 years) *DOH 348-575*
  - 1 for exchanging data (renewal after 5 years) *DOH 348-576*

- "The provider/plan shall limit access and use of IIS Immunization data in order that the fewest number of people see only the smallest amount of data for the least amount of time necessary to complete required work (Information Sharing Agreement for Exchange of Immunization Data DOH 548-576 7.e.ii.)."

- All IIS users must have their own signed confidentiality agreement on file with the organization & a secure IIS user account

Information Sharing Agreements

Washington State Department of Health

Info Sharing Agreements Continued: Your Role in Keeping IIS Secure

- Unique user account and unique email
  - "The Provider will ensure that no one assigned an IIS user account shares their login ID or password with others or allows others to access IIS using their login (DOH 348-576 7.e. i.)."

- Provider/Plan shall notify DOH at privacyofficer@doh.wa.gov of any suspected or actual security breach of IIS immunization data within two days of discoveries

Provider Roles with Patient Records

- **Update patient records**
  - Providers own the data they enter/send to the IIS
  - Providers can update patient records with new names, addresses, etc through their EHR/IIS interface or manual data entry

- **Provide patients with their records**
  - Multiple types of records available through IIS
  - MyIR: Parents/patients can access their own IIS record

The Provider Communication Role

- It is always best to discuss a patient over the phone if at all possible.

- If an email must be sent ensure of the following:
  - Do Not use patient names, use SIIS IDs (unique IIS Patient identifier)

  - Use encryption software or secure email settings

  - When necessary only send absolutely necessary PHI via email. Less is more, it is best to potentially have more questions than to provide too much information in this case.

WA DOH Role

- Update patient records
  - DOH receives & loads weekly birth, death, and name change data from Center for Health Statistics.
  - Data quality specialists monitor record issues (e.g. deduplication of patient records, review & separate bad merges)
  - DOH refers patients back to the provider that shared the data if there is a further issue

- Provide patients/parents with immunization records
  - DOH fulfills record requests (more info here)

- Inactivation of user accounts at the system level

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System Administrator Role

System Administrators for organizations/facilities have an important role in maintaining IIS security:

- Manage access to IIS by setting up new accounts.
- Inactivate IIS accounts when employees leave.
- Change facility on user accounts when employee moves to a different facility under the same organization.
- Ensure staff has correct permissions on individual user accounts.

System Administration Guide

Patient Ownership

- A clinic "owns" a patient if they were the last facility to update that patient's record.

- Clinics can manage patient ownership & active/inactive status.

- A clinic can only see demographic information they enter.
  – If demographic changes occur with the address, guardian, etc. only the information last entered by the organization viewing the record is shown.
  – Vaccination data is viewable by most users. School Reporting Only accounts do not allow users to see any patient information.

Managing Patient Ownership & Status Guide

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Ex: Katy's Clinic owns SIIS 6159170

1. Viewing record from org: Dannette's Practice displays address entered by that org

2. Viewing record under owning org displays the address entered by that org

---

Screenshot 1.

Logged in: DANNETTE DRONENBURG

WASHINGTON STATE IMMUNIZATION INFORMATION SYSTEM
Every age. Every vaccination.

Organization (IRMS): DANNETTE'S PRACTICE (100021)

Date: May 1, 201

QA Environment

Main
- Home
- Logout
- Select Application
- Select Organization (IRMS)
- Select Facility
- Select VFC Pin
- Document Center
- MyIR

Message
Favorites
Patient
Waitlist
Vaccinations
Exec. Dashboard
Organization (IRMS)
Facilities
Physicians & Vaccinators
Lot Numbers

Patient Demographics

Record Info
SIIS Patient ID:	6159170	Organization (IRMS) Owner:	100068 - KATY'S CLINIC
Entry Date:	11/09/2015 04:34:21 PM	Last Update:	03/27/2017 12:17:30 PM
Entered By:	DANNETTE DRONENBURG	Last Updated By:	DANNETTE DRONENBURG

Patient
First Name:	CINNAMON	Race:	
Middle Name:		Ethnicity:	
Last Name:	TEST	Language:	English
Suffix:			
Birth Date:	01/01/2001	Medicaid #:	
Birth File #:		Multi Birth Indicator:	Y
		Birth Order:	5
Age:	16 yrs	Military:	
Block Recall:		Recall Attempts:	0
Sex:	FEMALE	Inactive:	
Mother Maiden Nm:		VFC status:	VFC eligible— Uninsured
		Vaccine Supply:	PUBLIC

— Primary Address
Address 1:	123 BUSY ST	Address 2:	
City:	TUMWATER	State:	WA
Zip Code:	98511		
Email			
Country:	United States		

Screenshot 2.

Logged in: DANNETTE DRONENBURG

WASHINGTON STATE IMMUNIZATION INFORMATION SYSTEM
Every age. Every vaccination.

Organization (IRMS): KATY'S CLINIC (100068)

Date: May 1, 20

QA Environment

Main
- Home
- Logout
- Select Application
- Select Organization (IRMS)
- Select Facility
- Select VFC Pin
- Document Center
- MyIR

Message
Favorites
Patient
Waitlist
Vaccinations
Exec. Dashboard
Organization (IRMS)
Facilities
Physicians & Vaccinators
Lot Numbers
Orders/Transfers
Reports
Settings

Patient Demographics

Record Info
SIIS Patient ID:	6159170	Organization (IRMS) Owner:	100068 - KATY'S CLINIC
Entry Date:	11/09/2015 04:34:21 PM	Last Update:	05/01/2017 12:02:14 PM
Entered By:	DANNETTE DRONENBURG	Last Updated By:	DANNETTE DRONENBURG

Patient
First Name:	CINNAMON	Race:	
Middle Name:		Ethnicity:	
Last Name:	TEST	Language:	English
Suffix:			
Birth Date:	01/01/2001	Medicaid #:	
Birth File #:		Multi Birth Indicator:	Y
		Birth Order:	5
Age:	16 yrs	Military:	
Block Recall:		Recall Attempts:	0
Sex:	FEMALE	Inactive:	
Mother Maiden Nm:		VFC status:	Unknown
		Vaccine Supply:	PRIVATE

— Primary Address
Address 1:	999 RAINY ROAD	Address 2:	
City:	SPOKANE	State:	WA
Zip Code:	99201		
Email			
Country:	United States	County/Parish:	SPOKANE

— Patient Phone Number(s)
Phone Number	Extension	Phone Use Code	Equipment Type	Primary
(509)555-1212		Primary residence number		N

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Confidential Fields in the IIS

Public Content: Information is registry-wide and viewable by every user access level (e.g. vaccinations for any patient)

Private Content: Information is confidential and can only be viewed by the record "owner" (excluding = registry access)

NOTE: Authorized users can only view private information about patients when it was entered by their associated Organization (IRMS).

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Major Immunization Record Elements

- **Demographics:** Consist of patient name, address, family and other data.

- **Vaccinations:** Regardless of patient record ownership, users can see every vaccination on patient records in the IIS.

Confidential Fields

Private Demographic Fields
Race
Ethnicity
Language
Medicaid number
Birth file
VFC Status (private on demographic & vaccination screens
Phone numbers
Address
Email
School
Mother's Maiden Name

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Health

Patient Demographics

Record Info

SIIS Patient ID:	6159170	Organization (IRMS) Owner:	100068 - KATY'S CLINIC
Entry Date:	11/09/2015 04:34:21 PM	Last Update:	05/01/2017 02:22:56 PM
Entered By:	DANNETTE DRONENBURG	Last Updated By:	DANNETTE DRONENBURG

Patient

First Name:	CINNAMON	Race:	
Middle Name:		Ethnicity:	
Last Name:	TEST	Language:	English
Suffix:			
Birth Date:	01/01/2001	Medicaid #:	
Birth File #:		Multi Birth Indicator:	Y
		Birth Order:	5
Age:	16 yrs	Military:	
Block Recall:		Recall Attempts:	0
Sex:	FEMALE	Inactive:	
Mother Maiden Nm:		VFC status:	Unknown
		Vaccine Supply:	PRIVATE

− Primary Address

Address 1:	999 RAINY ROAD	Address 2:	
City:	SPOKANE	State:	WA
Zip Code:	99201		
Email			
Country:	United States	County/Parish:	SPOKANE

− Patient Phone Number(s)

Phone Number	Extension:	Phone Use Code	Equipment Type	Primary
(509)555-1212		Primary residence number		N

− Family & Contact

Guardian 1:	SUPER MOM

+ Alias

+ Secondary Patient Demographics

− School

School:	ADAMS ELEMENTARY
School Entry Date:	

+ Medical Home Facility

+ Birth & Death

+ Associated Campaigns/Tiers

+ Patient Specific Reports

You will only see information your organization entered in these fields

Confidential Vaccines

Users can document confidential vaccines, but they are only removed in records printed from the IIS if you choose **Do Not Include Confidential Vaccines**

Vaccination View/Add

(*- Historicals , #- Adverse Reaction , !1- Warning , !2- Warning , !3- Warning , S- Unverified Historica... ...idential Services)

Documented By: --select-- ▾

Double-click in any date field below to enter the default date: 05/01/2017

Vaccine	1	2	3	...
HPV9 (Gardisil 9)	05/01/2017 C			
Tdap (Boostrix, Adacel)	03/09/2016			

Print Patient Record

Patient Information To Include

◉ Do Not Include Confidential Information
○ Include Confidential Information

Vaccination Information to Include

◉ Do Not Include Confidential Vaccines
○ Include Confidential Vaccines

Vaccination Record Choices

◉ Immunization Record (summary)
○ All Recorded Vaccinations
○ All Recorded Vaccinations (option 2)
○ Forecast

☑ Printable Version (enable table borders)

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Contraindications

- All users can view contraindications in the IIS
- Only the clinic that entered the contraindication can view the reason and edit/delete it.
- If you didn't enter the contraindication, you can only see:
  - Which vaccine has the documented contraindication
  - Organization number that documented it
- Contact the IIS Help Desk if you need contact information for the org/facility that documented the contraindication

Contraindications

View for the clinic that entered the contraindication

View for the clinic that did <u>not</u> enter the contraindication

Questions & Resources

IIS Questions & Assistance

Contact the Help Desk

- o 1-800-325-5599
- o WAIISHelpDesk@doh.wa.gov

Request IIS Training

Email the IIS Outreach & Training Team

IIS.Training@doh.wa.gov

IIS Training Resources

Visit the IIS Training Materials Portal

www.doh.wa.gov/trainingIIS

Recorded IIS Monthly Webinars on YouTube

Visit the IIS YouTube Channel here

For people with disabilities, this document is available on request in other formats. To submit a request, please call 1-800-525-0127 (TDD/TTY call 711). DOH 348-657

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