San Francisco Department of Public Health
Office of Compliance & Privacy Affairs

Presentation to the SF Department of Public Health

Health Commission – November 3, 2015

Overview

1. What is Compliance?
2. What is Privacy?
3. Office of Privacy and Compliance Affairs (OCPA)
4. The Hard News: Whistleblowers, Privacy Breaches, Disallowances
5. The Good News:
   - Increasing Knowledge
   - Improving Policies
   - Establishing Data Breach Response
   - Establishing Data Sharing Governance
   - Improving Data Security
   - Making Institutional Commitments
6. Challenges

What is Compliance?

REGULATIONS

- Federal Medicare Medicaid Conditions of Participation
- Federal and CA False Claims Act
- Federal Sentencing Guidelines
- CCSF WhistleBlower
- CCSF Ethics Administrative Code

GOALS

- Prevent illegal/unethical conduct
- Assure employees are allowed to work
- Provide safe place to report violations
- Reduce financial risk/loss
- Engineer best practices to assure highest level of ethics and integrity possible in the workplace

What is Privacy?

REGULATIONS

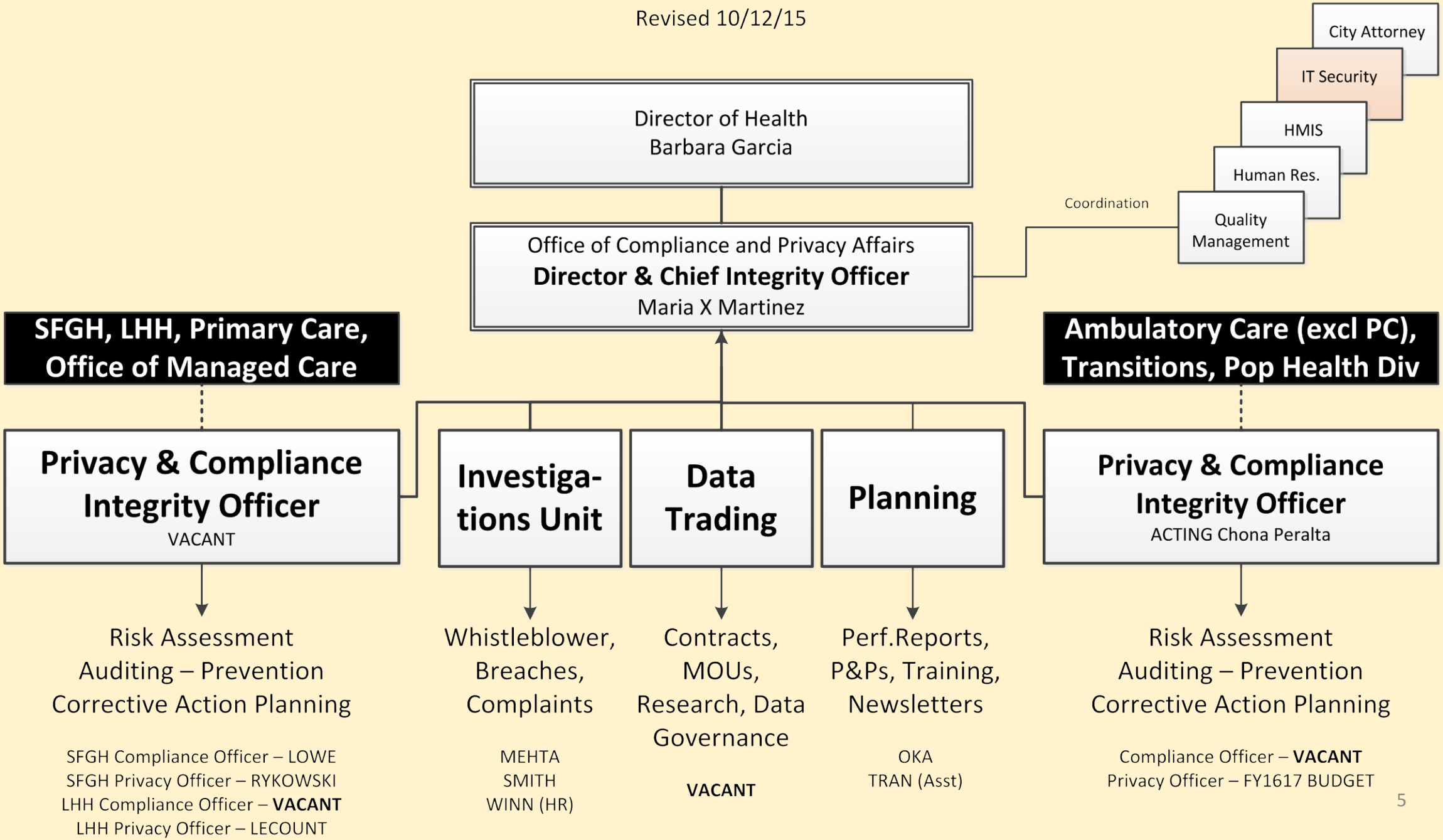
- Federal Healthcare Insurance Portability and Accountability Act (HIPAA) Privacy Rule and HITECH Rule
- Calif Medical Information Act
- Calif W&I Code (Mental Health)
- Federal 42CFR2 (Sub Abuse)

GOALS

- Protect patient confidentiality
- Avoid breaches & fines
- Engineer data sharing to improve care coordination and to better understand the populations we serve

SFDPH Office of Compliance and Privacy Affairs

Revised 10/12/15



The Hard News

Whistleblower Complaints FY1415

80 complaints received:

- **35 Human Resource-related** (mistreatment by other employees, unprofessionalism, harassment, misconduct, theft, payroll fraud)
- **45 Compliance-related** (billing fraud, waste, abuse, misuse of City resources, conflict of interest, contractual non-compliance)

65 Investigated & Closed (15 still being investigated):

- 36 (55%) not substantiated
- **29 (45%) substantiated in whole or part**
  - **Corrective Action Plans, including new policies & controls**
  - **2 written warnings, 1 suspension, 2 dismissals**

Privacy Breaches FY1415 = > $430k anticipated fines

13 Reportable Breaches

- **10 (77%) Unintentional Mishandling/Loss**
  - 5 due to unattended PHI being stolen from cars
- **3 (23%) Intentional & Unauthorized**
  - Woman impersonated a medical student in Emergency Department
  - Social Worker “snooped” in a medical record
  - UCSF physician wrongfully removed >37k documents for 8,000 pts from SFGH

Compliance Disallowances FY1415 = $9.7m returned

Community Behavioral Health Services Billings:

- Juvenile Justice contractor: missing information
- Children's Day Treatment: duplicate billings, insufficient service time
- Children's Intensive Day Treatment: missing information, insufficient service time
- Adult Rehab: missing information, insufficient service time

SFGH/Primary Care Adult Medicine Clinic Billings:

- Insufficient documentation

The Good News

The Good News

Increasing Knowledge

Training:

- LHH: >95% completion
- SFGH: >90%
- Other DPH & Contractors: <50%

In process:

- Simplified and improved e-training module
- 1:1 training planned

Communications:

- One toll-free Hotline Number
- Every Fast Facts includes a Compliance or Privacy Corner
- SFGH "Privacy Pulse" distributed to all of DPH
- Plan to implement LHH's practice of recognizing Privacy Heroes

The Good News

Improving Policies

Goal is to create a comprehensive set of unduplicated updated policies that are

easy to find (web-based) &

easy to read

- Privacy Policies
- Data Security Policies
- Compliance Policies

The Good News

Establishing Data Breach Response

Completed:

Emergency Quick Reference Response Guide which includes Incident Command

To Develop:

Preparedness training with Breach Response Team

The Good News

Establishing Data Sharing Governance

Council to review and authorize access to DPH's protected health information for purposes of:

1. **Care Coordination**
2. **Evaluation**
3. **Research**

Codify through contracts, MOUs, Data Use Agreements, Non-Disclosure Agreements

The Good News

Improving Data Security

Measures Completed:

1. Business Associates Agreement
2. Agency attestations that assure level of integrity re Privacy, Data Security & Compliance
3. End User Agreements
4. Identification of who is using which systems
5. Password revisions every 90 days
6. “De-provisioning” users from our data systems

The Good News

Making Institutional Commitments

1. Increase risk assessments & monitoring to **prevent** problems before they exist
2. Improve **training, policies, communications**
3. Centralize functional oversight, accountability and **due diligence**
4. Support the mission of the Department and serve leadership's goals:

Compliance & Privacy moves

from a culture of "NO" to a culture of "YES, and…"

Challenges

Bolster **infrastructure** and hire 5 key budgeted positions

Codify preventative "**controls**" into electronic data systems

Address **legislative** barriers

Stay ahead of cyber criminals and on top of **technology** security risks and solutions

We got this!

Office of Privacy & Compliance Affairs

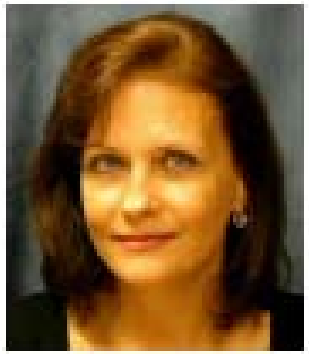
compliance.privacy@sfdph.org

Confidential Compliance and Privacy Hotline: 1-855-729-6040 toll-free

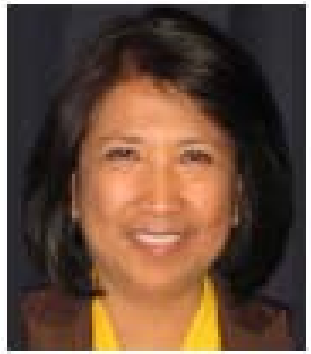
Calls may be made confidentially and anonymously.

Always remember: SFDPH has a non-retaliation policy.

Maggie Rykowski,
Privacy Officer SFGH
415-206-4294

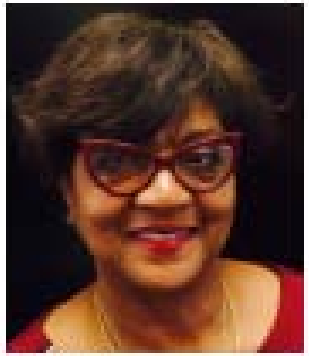


Jill LaCount
Privacy Officer LHH
415-759-4500



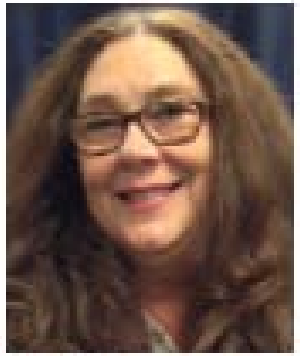
Chona Peralta
Chief Compliance Officer
415-255-3706

Yvonne Lowe
Compliance Officer SFGH
415-206-4104



Ada Smith
Investigator
415-554-2787

Kim Oka
Investigator
415-554-2945



Karen Acosta
Investigator
415-255-3755

Ravi Mehta
Investigator
415-255-3905

Rita Wu
Compliance Coder
415-255-3484

Matt Flores
Compliance Coder
415-255-3487

Maureen O'Connor
Compliance Analyst
415-206-4025

*not pictured Carol Chapman