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
SFPDH Office of Compliance and Privacy Affairs

Revised 10/12/15

Director of Health
Barbara Garcia

Office of Compliance and Privacy Affairs
Director & Chief Integrity Officer
Maria X Martinez

SFGH, LHH, Primary Care, Office of Managed Care

Privacy & Compliance Integrity Officer
VACANT

Investigations Unit
Whistleblower, Breaches, Complaints
MEHTA SMITH WINN (HR)

Data Trading
Contracts, MOUs, Research, Data Governance
VACANT

Planning
Perf. Reports, P&Ps, Training, Newsletters
OKA TRAN (Asst)

Ambulatory Care (excl PC), Transitions, Pop Health Div

Privacy & Compliance Integrity Officer
ACTING Chona Peralta

Risk Assessment Auditing – Prevention Corrective Action Planning

City Attorney
IT Security
HMIS
Quality Management

Coordination

SFGH Compliance Officer – LOWE
SFGH Privacy Officer – RYKOWSKI
LHH Compliance Officer – VACANT
LHH Privacy Officer – LECOUNT

Compliance Officer – VACANT
Privacy Officer – FY1617 BUDGET
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
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
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.