

**Crisis Management and Healthcare Services:
Lessons Learned from Hurricane Irma and Maria**

**HIPAA PRIVACY & DISCLOSURES IN EMERGENCY
SITUATIONS**

**BUSINESS CONTINUITY & DISASTER PLAN COMPLIANCE
EFFECTIVENESS**

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people caring for people

1

Timeline of the events: Hurricane Irma

Wednesday, September 6

- The eye of Hurricane Irma, a powerful Category 5 storm, skirts north of San Juan.
- Puerto Rico experiences a deluge and 100-mile-per-hour gusts, but it avoids the worst of the storm's effects.
- It cuts off power to about two-thirds of the island's electricity customers, and [about 34 % of its population](#) loses access to clean water.



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2

Timeline of the events: Hurricane Maria

Tuesday, September 19—One day before landfall

- According to [Bloomberg](#) and [Reuters](#), approximately 60,000 customers who lost power during Hurricane Irma have not regained service.
- The Puerto Rican government opens 500 schools as shelters.
- Hurricane Maria fluctuates in its intensity with maximum wind speeds of 160 miles per hour.



Wednesday, September 20—Landfall

- Puerto Rico experienced [30 inches of rain in one day](#). The winds caused “tornado-like” damage. The storm knocks out power to the entire island limiting much of the island’s access to clean water.
- Hurricane Maria made landfall in Puerto Rico between a Category 4 & 5 storm, the strongest hurricane to hit the island causing significant, widespread damage, including infrastructure, public health and health care challenges.

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3

3

Timeline of the event: Hurricane Maria and its aftermath

Thursday, September 21—One day after landfall

- Rains from the storm continue to deluge Puerto Rico. The National Weather Service [warns of “catastrophic” flooding](#).
- President Trump tells reporters that **“Puerto Rico is obliterated”** and **“Their electrical grid is destroyed”**. Following, President Trump issues a state of emergency for Puerto Rico.



Friday, September 22—Two days after landfall

- Puerto Rican officials [warn](#) that restoring power to the island could take six to eight months.
- The airport in San Juan reopens to military traffic, [according to the U.S. Army Corps of Engineers](#).

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4

4

Key Findings

- **According to a survey** from *The Washington Post* and the Kaiser Family Foundation that explores how Puerto Ricans are faring after Hurricane Maria struck the U.S. territory **“The storm brought physical and mental health challenges for some Puerto Ricans.** This is the first, and only, comprehensive, island-wide representative survey to assess a broad array of impacts from Hurricane Maria and hear directly from the people of Puerto Rico about what they experienced and what the ongoing needs are.
- **Impacts of the storm were ubiquitous.** Over eight in ten (83 percent) say they were affected by the hurricane in at least one of the following ways: they were without grid power for four or more months, they had employment losses, their home was destroyed or majorly damaged, their vehicle was damaged, they drank water from a natural source, **they or a family member have a new or worsened health condition, or have received mental health services as a result of the storm.** In addition, half say they had trouble getting enough water to drink (50 percent) and 70 percent say the lack of electricity caused them to have trouble storing and preparing fresh foods.
- **Hurricane Maria’s physical and mental health challenges aftermath.** In addition, about a third (32 percent) say that as a result of Hurricane Maria they have **faced at least one of several types of challenges accessing medical care, including problems getting needed medical care (16 percent), or trouble getting appointments with specialists (20 percent).**

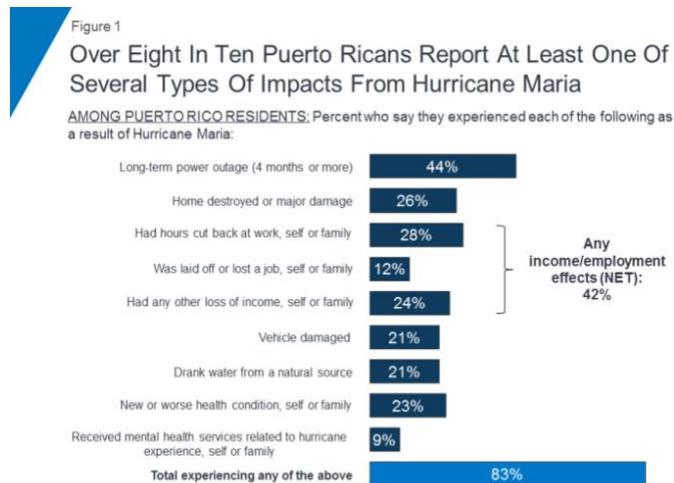
[*http://files.kff.org/attachment/Report-Views-and-Experiences-of-Puerto-Ricans-One-Year-After-Hurricane-Maria](http://files.kff.org/attachment/Report-Views-and-Experiences-of-Puerto-Ricans-One-Year-After-Hurricane-Maria)

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Types of Impact – Hurricane Maria Aftermath



SOURCE: Washington Post/Kaiser Family Foundation Survey of Puerto Rico Residents (July 3-August 29, 2018)

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KAISER FAMILY FOUNDATION

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6

Hurricane Maria & HIPAA Challenges

During a disaster such as Hurricane Maria, how do you manage the crisis and healthcare services?

- Often questions arise about the ability of entities covered by HIPAA regulations to share information, specifically when there is a disruption in communications systems.
- Therefore, from a Compliance perspective if an entire Island has no electricity, we need to ask ourselves: how do we manage patient information under the HIPAA Privacy Rule?
- As covered entities we all want to ensure compliance and avoid penalties and sanctions under HIPAA.
- Needless to say that after Hurricane Maria hit the Island, the vast majority of the pharmacies in Puerto Rico had no connectivity to transmit or process their claims.

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7

7

HIPAA Privacy Rule Waivers

While the HIPAA Privacy Rule IS NOT SUSPENDED during a public health or other emergency, the Secretary of HHS **may waive certain provisions of the rule** under the Project Bioshield Act of 2004 and section 1135 (b) (7) of the Social Security Act.

- As we all know, the HIPAA Privacy Rule allows patient information to be shared to assist in disaster relief efforts, and to assist patients in receiving the care they need.



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8

8

HIPAA Privacy & Disclosures in Emergency Situations

- Step # 1: The President has to declare a state of emergency
- Step # 2: The Secretary of HHS declares a public health emergency (this was the case in Puerto Rico and the territory of the US Virgin Islands).
- Under these circumstances, the Secretary has exercised the authority to waive sanctions and penalties against a covered hospital that does not comply with the following provisions of the HIPAA Rule:
 - ✓ the requirement to obtain a patient's agreement to speak with family members or friends involved in patient's care. See 45 CFR 164.510 (b).
 - ✓ the requirement to honor a request to opt out of the facility directory. See 45 CFR 164.510 (a) .

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9

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HIPAA Privacy & Disclosures in Emergency Situations

- The requirement to distribute a notice of privacy practices. See 45 CFR 164.520.
- The patient's right to request privacy restrictions. See 45 CFR 164.522 (a).
- The patient's right to request confidential communications. See 45 CFR 164.522 (b).
- Important to note that when the Secretary issues such waiver, it only applies: (1) in the emergency area and for the emergency period; (2) to hospitals that have instituted a disaster protocol and (3) for up to 72 hours from the time the hospital implements its disaster protocol.

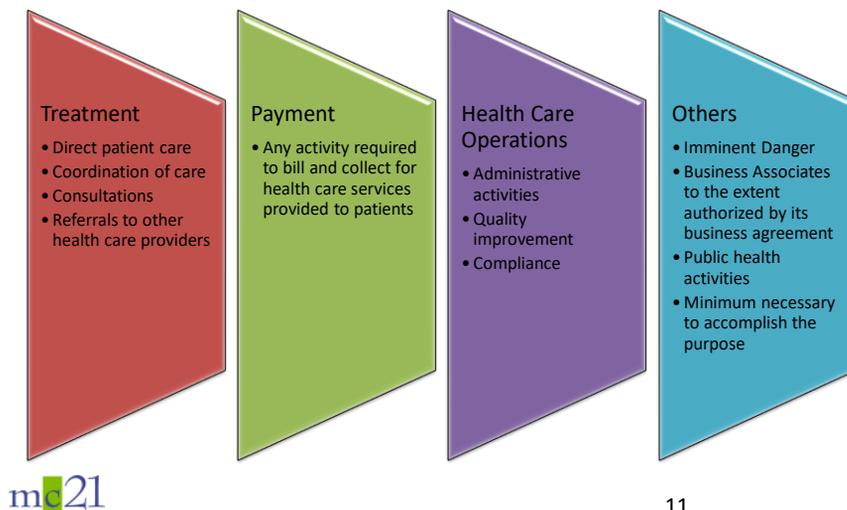
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HIPAA Privacy & Disclosures in Emergency Situations

Even without a waiver, the HIPAA Privacy Rule always allows patient information to be shared for the following purposes:



11

Safeguarding Patient Information

Never forget that even in an emergency situation, covered entities must continue to implement reasonable safeguards to protect patient information against intention or unintentional uses and disclosures.

Furthermore, covered entities and business associates must apply the administrative, physical, and technical safeguards of the HIPAA Security Rule to electronic protected health information.



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12

12

HIPAA Applicability

HIPAA only applies to Covered Entities and Business Associates

- Employees
- Volunteers
- Other members of a covered entity's
- Or business associate's workforce



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13

13

Business Continuity & Disaster Plan Compliance Effectiveness

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14

MC-21's Business Continuity & Disaster Plan

MC-21's Business Continuity & Disaster plan was a fundamental piece in maintaining our operations during and after the passing of Hurricane Maria. Without the plan, we would have not been able to continuously provide services to over two (2) million lives in Puerto Rico, including the Medicaid and Medicare beneficiaries.

Key elements for a Business Disaster Plan :

- ✓ **Planning**
- ✓ **Processes**
- ✓ **People**
- ✓ **Communication to Pharmacies**
- ✓ **Internal Communication**
- ✓ **Innovation and Technology**



15

15

Business Continuity & Disaster Plan

Planning

An essential element of any Business Continuity & Disaster Plan.

As part of the planning process, we anticipated power outages and communication failures. To that end, and to ensure proper communication between the pharmacies, providers and MC-21 call center's, personnel was relocated prior to the hurricane to different locations in USA.

Processes

MC-21's team performed a thorough review of all business processes and adjusted them to ensure we could provide continuous PBM services. Drills were conducted on site and offsite to verify the systems.

As a result, MC-21 provided uninterrupted services 24-7 that included: on line pharmacy claims processing, pharmacy services call center, PA call center, and telecommunication via satellite and/or through several telecommunication companies, ensuring access with all clients and providers. Payment to the pharmacies were also issued on a timely basis.



16

16

Business Continuity & Disaster Plan

People

- Our employees are our asset. #1 asset
- Great organizational culture & values

The commitment and effort of MC-21's personnel was outstanding. The team provided services during and immediately after the Hurricane, but even more astonishing, most of the employees reported to work the day after the Hurricane.

As a result, we were able to maintain the operations up and running, even though many of them were strongly affected by the disaster.



17

17

Action: Business Continuity & Disaster Plan

Communication to Pharmacies

Prior to the Hurricane, a series of memos/ letters were sent to our vendors and pharmacies explaining the importance of the continuity of services for all necessary medication and the details for the proper administration of medication dispatch to the public during and after a natural disaster.

Internal Communication

As a preventive measure, additional cell phones were acquired and distributed before the Hurricane, in order to ensure the continuity of our Call Center.

Innovation and Technology

During the emergency, MC-21's team took the lead and established 4 HUBs, with the technology vendors that provide services to the pharmacies in Puerto Rico.

The objective was to provide the pharmacies with a location that had all the required technology to process pharmacy claims on line.



18

18

Preparing for Hurricane Season/Lessons Learned

Lessons learned:

Compliance programs play an important role in helping health care organizations fulfill their obligations to public and private payers, and the community at large so it is important that you incorporate into your compliance program a business disaster plan to address risks and to answer new challenges like those posed by HIPAA.

Be proactive, revise, re-write, think out of the box, collaborate with your competitors, put aside any issues you might have with the industry.

Most valuable:

Patient and human lives always come first.

THANK YOU



19

19