



# HEALTH COMMERCE SYSTEM POLICY

## Medical Practice Security and Use Policy and Form

This document describes security terms, conditions, and responsibilities to which participating medical practices must agree in order to use the HCS. This document supersedes all previous versions.

### I. Introduction

The New York State Department of Health, hereafter referred to as NYSDOH, has developed the Health Commerce System (HCS) as a secure website allowing for exchange of non-public information between Practitioners and the Department. The HCS may be used by medical practices and NYS Licensed Practitioners, hereafter referred to as Practitioners, for the following:

- Ordering Official NYS Prescription Forms
- Collecting and distributing health related data
- Participating in the Department's Public Health Preparedness and Response Plan
- Updating one's own Practitioner Profile electronically
- Volunteer in case of Public Health Crisis

The purpose of this document is to:

- Define the security terms, conditions, and responsibilities of medical practice in order to participate on the HCS
- Allow the medical practice's primary Practitioner to act as head of the organization and assign HCS coordinators to act on his/her behalf
- Define the duties and responsibilities of HCS Coordinators
- Allow the HCS Coordinator(s) to request HCS accounts for other practitioners and individuals within the organization

### II. Overall Security

The medical practice is responsible for the security of HCS data physically located on, or transported over, its own network. This includes validation of users who need to access the network, physical security of computers on its network and security of data that is removed from the HCS. It is important to note that the medical practice is responsible for immediately notifying the Department when the status of the authorized user changes due to reassignment of duties or change of employment. Such notification may be e-mailed to [camu@health.ny.gov](mailto:camu@health.ny.gov) or reported by calling **1-866-529-1890**.

### III. Data Disclosure

Employees/agents of the medical practice who have obtained information from the HCS shall not disclose this information to any other persons unless that person is legally authorized to obtain and has official reason to see that information. Unauthorized disclosure may be a violation of law and subject the medical practice, its employees and/or its agents to fines, imprisonment or suspension or revocation of a professional license.

### IV. Responsibility

The medical practice will be responsible for the actions of any of its employees/agents with regards to compliance with HCS policies. It is absolutely forbidden for any employee/agent to share an HCS account (password) or to use an account (password) assigned to another HCS user. Absent an appropriate organizational response to account violations, user account privileges will be deleted upon a first offense.

The medical practice should designate at least one HCS Coordinator (HCSC) who will be personally accountable for execution of the responsibilities defined in this agreement and who will have the authority to bind the medical practice in matters relating to the HCS. The medical practice will be held responsible for actions of an HCSC who is remiss in these responsibilities. The medical practice agrees to ensure that all designated HCSCs routinely access the HCS and carry out their duties and responsibilities in a timely manner. Should an HCSC not fulfill the responsibilities as

described herein, e.g. is unresponsive to inquiries or alerts from the Department, the Department may direct the medical practice to appoint a replacement. The medical practice is responsible for designating and establishing a replacement HCSC.

## V. Procedure for Medical Practice to Utilize HCS

Step 1: Select one practitioner within your medical practice to be the designated Primary Practitioner to represent the medical practice.

Step 2: The Primary Practitioner then may delegate one or more other practitioners or non-practitioners to be an HCSC for the practice. The designated individual(s) will be allowed to request HCS accounts for other employees of the medical practice.

## VI. HCS Coordinator Role

The Department has authorized all HCSCs to manage the medical practice user accounts on the HCS, and to be the principal point of contact concerning HCS access. By definition, the HCSC must have the authority and responsibility within the medical practice for execution of the roles and responsibilities of an HCSC. Upon execution of this document, the Primary Practitioner of the medical practice will be given an HCS account and assigned an HCSC role. Additional HCSC(s) may be named within this agreement, who will also be given an HCS account. Every HCSC must have an **active** HCS account. The medical practice agrees that HCSCs within their medical practice shall also be bound by the terms and conditions of the HCS user security and use policy.

## VII. HCS Coordinator Duties and Responsibilities

HCS Coordinators have the responsibility and authority to engage in HCS management activities on behalf of the medical practice. It is the responsibility of the medical practice to ensure that these management activities are completed in a timely and effective manner. These management activities are facilitated by a series of 'tools' provided to the HCSC as part of their HCS account. (The Department will provide the HCSCs with training materials for using the 'tools'.) The medical practice agrees that it will require its designated HCSCs to use their HCS accounts to execute the medical practice's HCS management responsibilities and to keep their accounts active.

The HCSCs' responsibilities include the following:

- **Approve new HCS account requests for users employed by the organization by co-signing HCS User Security and Use Policy Agreements.** Executing such a document for a new user establishes an account and formally affiliates the user with the requesting organization. The HCSC account will be given access to the mechanism for generating new HCS account requests for employees and filing a notification of the account requests. The HCSC will print and sign the Account Request Form, then give it to the prospective new user who must send the original request to the Department after obtaining notarization of his/her signature. The HCSC is also given access to mechanisms to review all requested accounts for the medical practice and to verify whether the requesting user has an existing account.
- **Establish organizational affiliations for HCS users with existing HCS accounts.** HCS users may be employed by, or be affiliated with, multiple HCS medical practices. If the user is engaged in activities for which the user accesses the HCS on behalf of multiple medical practices, then the user and the medical practices are responsible for establishing an affiliation with those organizations on the HCS as well. This can be achieved through the HCSC approval process.

The HCSC can generate a separate User Account Request Form for each user through the HCS. This is the preferred practice as it preserves the user account in the event that he/she leaves employment of one medical practice. Roles do not preserve an account. (Users and HCSCs are required to notify the Department of any change in employment status.)

- **Manage HCS User Accounts.** The HCSC account provides access to a variety of tools to review account information for users at their organization. The HCSC is responsible for reviewing the user accounts and notifying the Department (1-866-529-1890) of any appropriate changes that need to be made in the account (such as account deactivation in the event of change in employment status of an HCS user). The Department's Commerce Accounts Management Unit (CAMU) will also periodically send out account verification requests to the medical practice. The HCSC will be responsible for reviewing HCS accounts for the medical practice and responding to requests.

- **Manage the Organization's entries in the Department's Communications Directory (ComDir).** Should the medical practice wish to utilize the ComDir, the HCSC is responsible for the following activities:
  - Active management of organizational contact information. The HCSC enters and regularly updates his/her medical practice's contact information (i.e. phone, fax, etc.) for key roles/locations in their medical practice into the Department's central database. This provides the medical practice with control over the authoritative source for this information and eliminates the need to continually respond to external requests for contact information. It is therefore important that this information be regularly reviewed and kept current by using the HCSC 'tools' on the HCS.
  - Active management of user roles at the organization. ComDir allows the medical practice to give members of its staff access to certain public health response applications and data. The HCSC acts as the medical practice's proxy in this task by assigning designated staff to role-based information systems on the HCS via ComDir. It is therefore essential that the role assignments be appropriate, accurate, and current. It is also essential that the HCSC work with the medical practice to ensure that the individuals in these roles have and maintain active HCS accounts.

By signing this agreement, the HCSC indicates his or her understanding and agrees personally and on behalf of the medical practice that he/she will maintain and actively use the HCS account to execute duties and responsibilities defined herein, in a timely manner with due diligence.

### **VIII. Notification**

The medical practice agrees to notify the Department at [camu@health.ny.gov](mailto:camu@health.ny.gov) or 1-866-529-1890, at least three business days prior to any change in employment or affiliation affecting HCS access status or work/trust status of Practitioners, HCSCs, or Individuals within the medical practice. The medical practice agrees to notify the Department immediately upon discovery of suspected or confirmed breaches of protocol, access or security that affects this security agreement. It is particularly important to notify the Department regarding sharing of an HCS account or use by an employee/agent of an account assigned to another HCS user. Notification will be via systems on the HCS, or if unavailable, via phone at 1-866-529-1890 within 24 hours of the incident. In the absence of an appropriate organizational response to account sharing, user account privileges will be removed.

### **IX. Investigations**

The medical practice will notify the Department of any actual or suspected violations of this policy and will cooperate with the Department in any subsequent investigations or prosecution. Detailed logging of all communications for user activity on the HCS occurs continually. The Department may require extended logging during the course of an investigation.

### **X. Revocation of Access**

Access to the HCS is a privilege. The Department may direct a participating party to be replaced and/or reserves the right to revoke the use of an individual account or the medical practice participation if violations of HCS security policies occur.

### **XI. Modification of Agreement**

This agreement may be modified in the following ways:

- Additional HCSCs may be added.
- As the Department enhances and adds new capabilities to empower the medical practice with additional HCS user account management capabilities, it will provide revisions to Practitioners and HCSCs on the HCS. Substantive changes and enhancements will be accompanied by the corresponding security protocols. By virtue of his or her designation, the HCSC shall be authorized by the organization to accept such changes on its behalf. Acceptance of the revision by the medical practice's HCSCs will be signified by either the HCSC's agreement to the changes on the HCS or the HCSC's signature on a paper version. The medical practice agrees that it will be bound by the acceptance of these changes.
- Additional medical practice account management roles may be defined by the Department and relayed to the medical practices by addition to this document for new organizations and by notices to current organizations on the HCS.