

FISMA and its Applicability to CMS Health Information

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May 19, 2009

Agenda

- CMS - Context & Programs
- Who Wants CMS Data?
- CMS OGC "on behalf of" Opinion
- CMS' Application of FISMA
- So What?
- Review

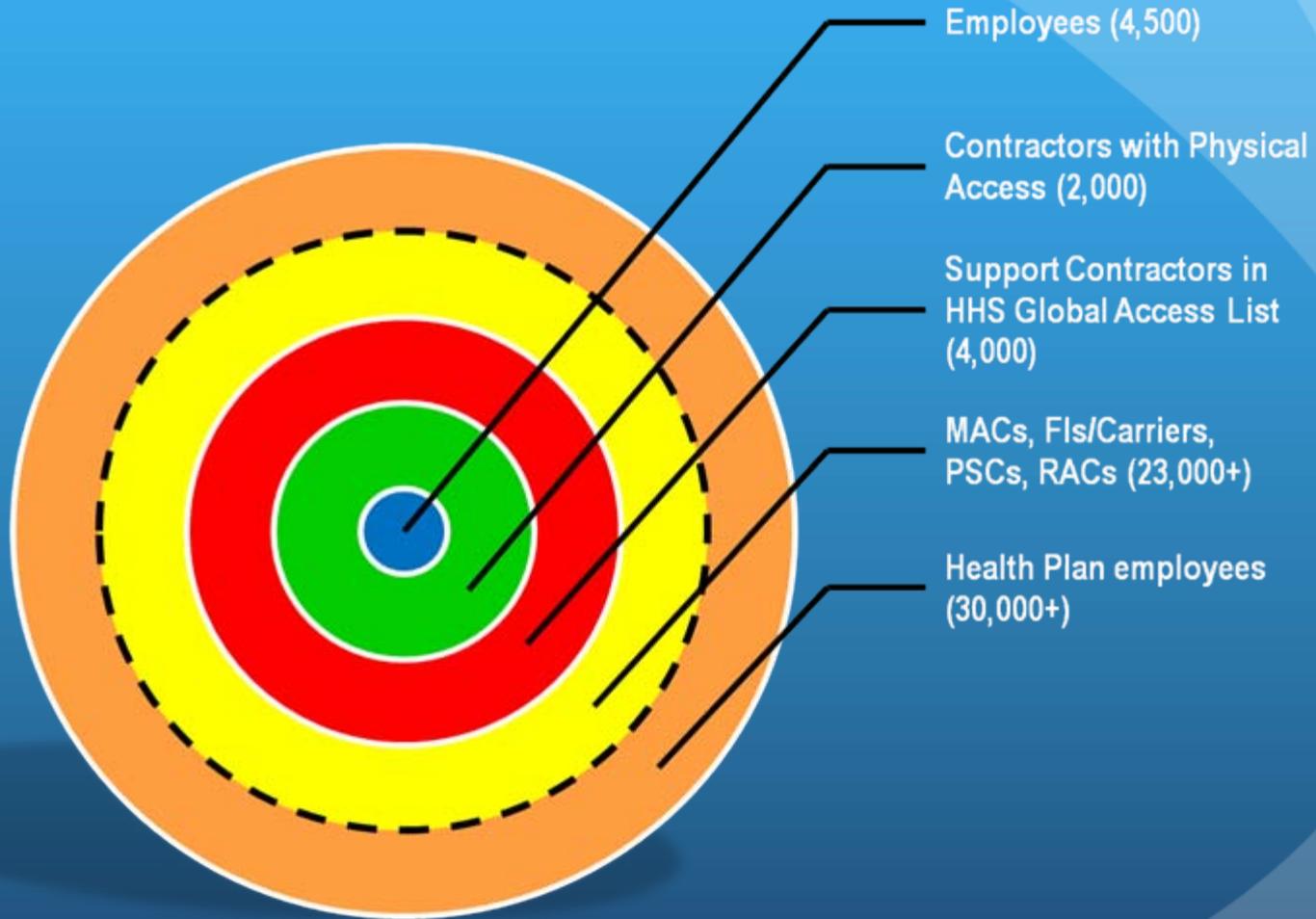
What is CMS?

- The Centers for Medicare & Medicaid Services
- 1977 United two largest federal health care programs Medicare & Medicaid
- Formerly Health Care Financing Administration (HCFA)
- Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA)

Context

- Very large insurance provider >90 million beneficiaries
- ~21% of Federal Budget 2008 - \$670 billion
- 15 million eligibility requests per week
- ~1.2 million providers
- >1.2 billion Medicare claims & > 1.0 billion prescription drug claims annually

Context



Note: figures are approximate

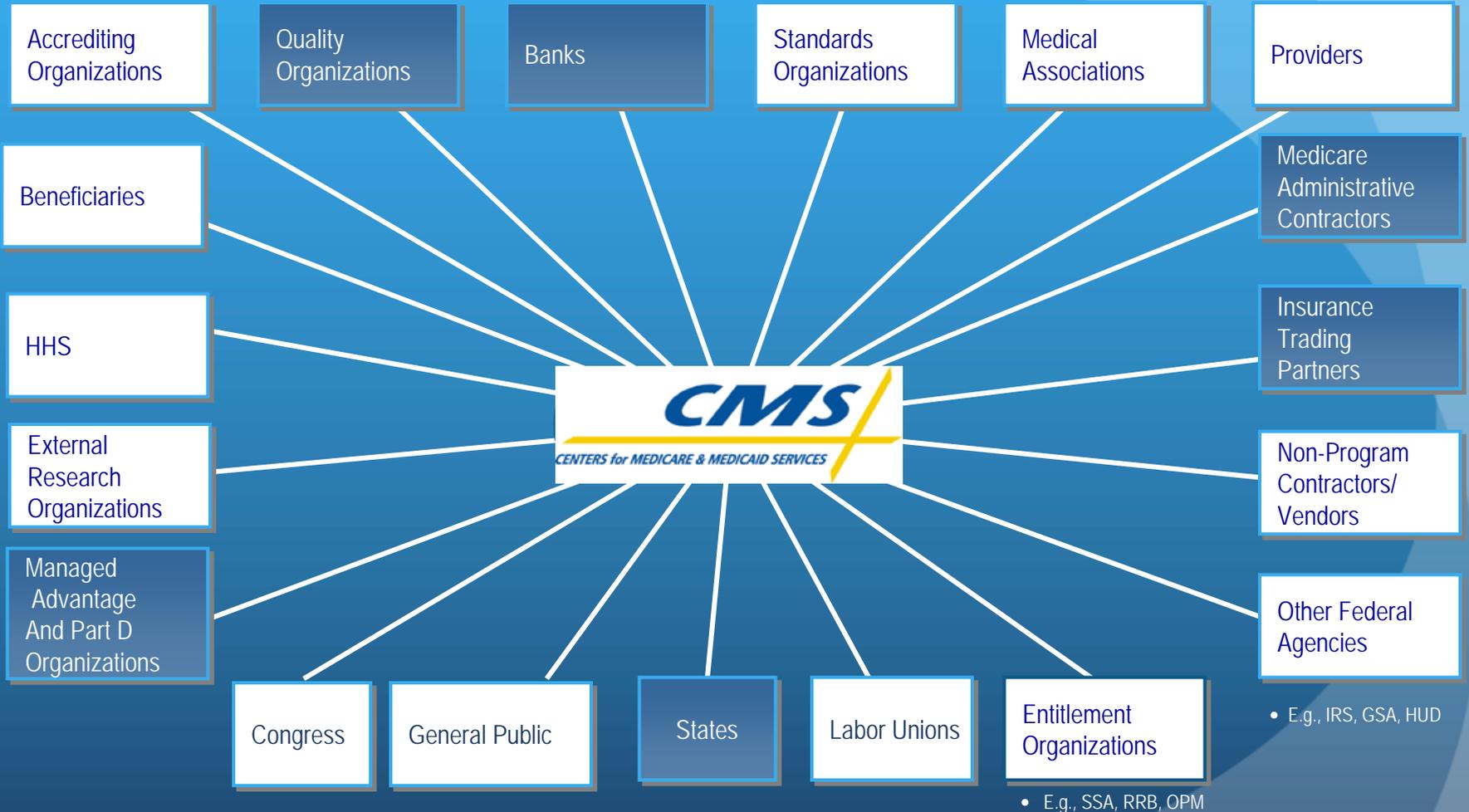
CMS Programs

- Medicare: ≥ 65 , disabled, End Stage Renal Disease
 - Part A - Hospital Insurance
 - Part B - Medical Insurance
 - Part C - Medicare Advantage - In lieu of A & B
 - Part D - Medicare Prescription Drug
- Medicaid: Low-income
 - CMS provides guidelines
 - States determine eligibility

Who Wants CMS Data?

- CMS shares lots of data for lots of reasons
 - Detecting fraud, waste, and abuse
 - Healthcare research
 - Claims processing
 - Prescription drug events
 - Legislation review
 - Letters of credit
 - Eligibility inquires
 - Diagnosis / Procedural codes
 - Etc...

CMS Data Sharing



Performs mission-related functions for CMS

Information exchange only

OGC Opinion “on behalf of”

- “indicates that only those entities that are acting, under agency principles, as agents, where CMS is the principal, are covered under FISMA”
- “...the agent consents to act on behalf of the principal, and the principal has the right throughout the duration of the relationship to control the agent’s acts.”

OGC Opinion “on behalf of”

- The entity is acting as a “direct extension of the federal government” and “to accomplish a federal government function”
- ...includes data from contractors, private companies, non-profit organizations, state and local governments, and others...

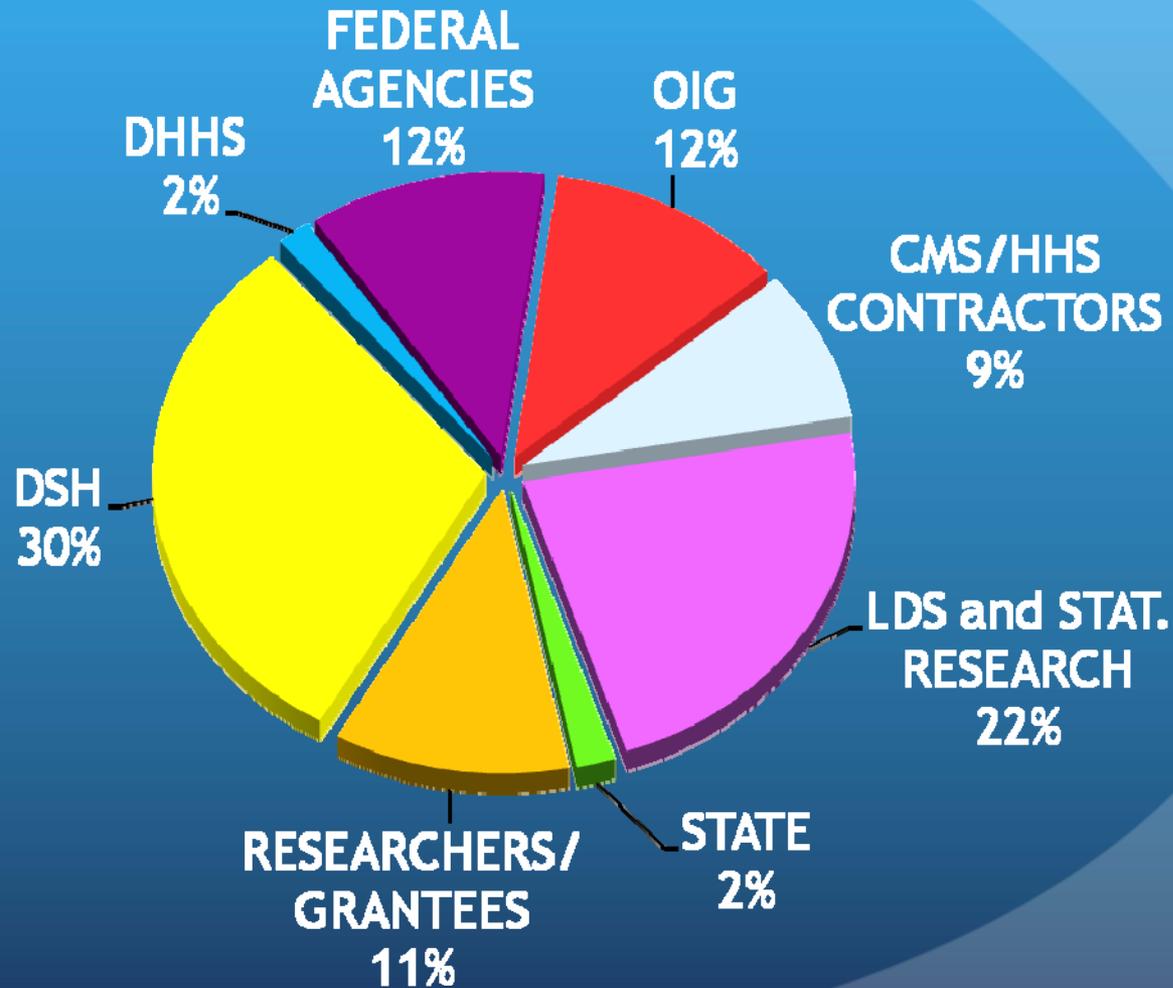
CMS' Application of FISMA

- Medicare Parts A & B
 - MACS, FIs, and Carriers
- Medicare Parts C & D
- Quality Improvement Organizations
- Data Use Agreements



What???

Data Use Agreements



Total DUAs: 7200

So what?

- It is your data or someone you know
- No free pass for non-FISMA covered entities
- The rules may be changing - "ICE 2009"
 - Ensure vs. Enforce
- Accountability

So what?

Yesterday, 01:20 AM

#1 



Member

Join Date: 2008

Posts: 5



Looking to buy Healthcare/Insurance data

I am looking for someone that is selling possible database dumps from Healthcare or Insurance providers. Also, completed HCFA 1500 forms will work.

QUOTE

QUOTE 

QREPLY

Review

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Thank you

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