NEW YORK UNIVERSITY
HIPAA Information Security Policies, Specifications, and Definitions

Title: Policy 4. Workforce Security
Effective Date: January 1, 2005
Amended: February 26, 2016
Issuing Authority: Executive Vice President for Health; Vice President, Information Technology and Chief Information Technology Officer
Responsible Officer: Executive Vice President for Health; Vice President, Information Technology and Chief Information Technology Officer

Policy

New York University strives to protect the confidentiality, integrity, and availability of EPHI by implementing reasonable and appropriate safeguards to prevent unauthorized access to EPHI while ensuring that properly authorized workforce members’ access to EPHI is permitted. Who is affected by this policy is documented in HIPAA Policy 1 – Overview: Policies, Procedures, and Documentation.

Purpose of this Policy

The conduct of New York University’s workforce members in striving to safeguard EPHI is integral to the University’s compliance efforts under the HIPAA Security Regulations. This policy reflects New York University’s commitment to comply with such regulations by instituting safeguards to prevent unauthorized access to EPHI.

Scope of this Policy

Affected by these policies are all covered components that may be designated by the University from time to time, including the NYU School of Medicine, NYU College of Dentistry, and the Student Health Center, and areas designated part of the health care component of the University from time to time but only to the extent that each component performs activities that would make such component a business associate of a component of the University that performs covered functions if the two components were separate legal entities (i.e., support components), including the Office of the Bursar, Controller’s Division, including Accounts Payable, NYU Information Technology (NYU IT), Office of Insurance and Risk Management, Internal Audit, Office of Compliance and Risk Management, Office of General Counsel, Office of Sponsored Programs, University Relations and Public Affairs, Public Safety, Treasury Applications, and University Development and Alumni Relations. The NYU School of Medicine follows HIPAA-related policies and procedures created specifically for its environment; School of Medicine compliance with HIPAA is coordinated through Langone Medical Center. These policies affect all NYU workforce members in covered components.

Operational Requirements

A. Only properly authorized workforce members shall have access to EPHI Systems. Workforce members shall not attempt to gain access to any EPHI that they are not properly authorized to access. Each covered component shall train its workforce members on proper and appropriate use of access rights.

B. Each covered component shall take reasonable and appropriate steps to ensure that workforce members who work with or have the ability to access EPHI are properly authorized and/or supervised, as set forth in the Authorization and/or Supervision operational specification (see 4.A).

C. New York University workforce members shall be screened, as appropriate, during the hiring process, as set forth in its Workforce Clearance Procedure operational specification (see 4.B) and local and central Human Resources procedures.
D. Each covered component shall implement a documented process for terminating access to EPHI when employment of workforce members ends or when access is no longer appropriate under New York University’s Information Access Management policy (HIPAA Policy 5) and Access Establishment and Modification operational specification (see 5.B), as set forth in its Termination Procedures operational specification (see 4.C).

E. HIPAA REGULATORY INFORMATION

   CATEGORY: Administrative Safeguards
   TYPE: Standard
   HIPAA HEADING: Workforce Security
   REFERENCE: 45 CFR 164.308(a)(3)(i)
   SECURITY REGULATION STANDARDS LANGUAGE: “Implement policies and procedures to ensure that all members of its workforce have appropriate access to electronic protected health information, as provided under paragraph (a)(4) [Information access management] of this section, and to prevent those workforce members who do not have access under paragraph (a)(4) of this section from obtaining access to electronic protected health information.”

Operational Specifications

4.A Authorization and/or Supervision

1. Each covered component will take reasonable and appropriate steps to ensure that workforce members who have the ability to access EPHI or work in areas where EPHI might be accessed shall be properly authorized and/or supervised. Each covered component of New York University will use its Minimum Necessary Policy, which is one of its HIPAA Privacy policies, and other policies as appropriate, as the basis for the type and extent of authorized access to EPHI.

2. Each covered component will establish a documented process for granting authorization and access to EPHI, including:
   a. Procedures for granting different levels of access to EPHI and to areas where EPHI might be accessed.
   b. Procedures for logging and tracking authorization of workforce members’ access to EPHI and to areas where EPHI might be accessed.
   c. Procedures for logging and tracking authorization of third parties’ access to EPHI and areas where EPHI might be accessed.

3. Workforce members shall not be allowed access to EPHI or to areas where EPHI might be accessed until proper authorization is granted.

4. Only authorized New York University workforce members who have need for specific information in order to fulfill their respective job responsibilities shall be authorized to access EPHI or areas where EPHI might be accessed. Each covered component, as appropriate, shall document and review access levels on a periodic basis and make revisions as necessary. Each covered component, as appropriate, shall establish a procedure for reviewing and revising, on a periodic basis, authorization of access to EPHI or to areas where EPHI might be accessed.

5. HIPAA REGULATORY INFORMATION

   CATEGORY: Administrative Safeguards
   TYPE: ADDRESSABLE Implementation Specification for Workforce Security Standard
   HIPAA HEADING: Authorization and/or Supervision
   REFERENCE: 45 CFR 164.308(a)(3)(ii)(A)
SECURITY REGULATION IMPLEMENTATION SPECIFICATION LANGUAGE: “Implement procedures for the authorization and/or supervision of workforce members who work with electronic protected health information or in locations where it might be accessed.”

4.B Workforce Clearance Procedure

1. New York University is committed to take reasonable and appropriate steps to ensure that workforce members have the appropriate authorization to access EPHI.

2. The appropriate Human Resources and hiring personnel of the covered component shall identify and define the security responsibilities of and supervision required for the defined organizational position. Security responsibilities include responsibilities for implementing or maintaining security and the protection of the confidentiality, integrity, and availability of New York University or covered component information systems or processes.

3. Each covered component shall review prospective workforce members’ backgrounds during the hiring process and, as appropriate, shall perform verification checks on prospective workforce members. Each covered component shall analyze prospective workforce members’ access to and expected abilities to modify or change EPHI as one of the bases for the type and number of verification checks conducted. Verification checks may include:
   a. Confirmation of claimed academic and professional experience and qualifications
   b. Professional license validation
   c. Credit check
   d. Criminal background check

4. New York University workforce members who access EPHI will sign confidentiality agreements in which they agree not to provide EPHI to or to discuss confidential information with unauthorized persons. The appropriate Human Resources personnel will develop a system for retaining such signed agreements.

5. HIPAA REGULATORY INFORMATION

   CATEGORY: Administrative Safeguards
   TYPE: ADDRESSABLE Implementation Specification for Workforce Security Standard
   HIPAA HEADING: Workforce Clearance Procedure
   REFERENCE: 45 CFR 164.308(a)(3)(ii)(B)

   SECURITY REGULATION IMPLEMENTATION SPECIFICATION LANGUAGE:
   “Implement procedures to determine that the access of a workforce member to Electronic Protected Health Information (EPHI) is appropriate.”

4.C Termination Procedures

1. Each covered component of New York University will implement a documented process for terminating access to EPHI when the employment of, or other arrangement with, workforce members ends or access is no longer appropriate as set forth in New York University’s Workforce Clearance Procedure operational specification (see 4.B), Information Access Management policy (HIPAA Policy 5) and Access Establishment and Modification operational specification (see 5.B), for example due to a change in position such that the workforce member no longer requires access to EPHI.

2. When a workforce member provides notice of his or her intention to end employment at New York University, the affected Human Resources department and the workforce member’s supervisor shall give reasonable notice to the persons responsible for terminating access to the EPHI for the departing workforce member so that access can be terminated when s/he leaves.

3. Each covered component shall log, track, and securely maintain receipts and responses to such termination of access notices, including the following information:
   a. Date and time of notice of workforce member departure received
b. Date of planned workforce member departure

c. Description of access to be terminated

d. Date, time, and description of actions taken

4. When workforce members end employment with New York University, all privileges to access EPHI Systems, including both internal and remote information system privileges, shall be disabled or removed by the time of departure, or if not feasible, as soon thereafter as possible. When New York University workforce members need to be terminated immediately, New York University and/or the covered component shall remove or disable their information system privileges before they are notified of the termination, when feasible. Information system privileges include workstations and server access, data access, network access, email accounts, and inclusion on group email lists.

5. Physical access to areas where EPHI is located shall be terminated as appropriate. New York University will be alert to situations where workforce members are terminated and may pose risks to the security of EPHI.

6. New York University workforce members shall have their EPHI information system privileges disabled after their access methods or user IDs have been inactive for a period of inactivity to be determined by the EPHI security officer at the covered component. New York University shall review privileges that are disabled due to inactivity and take the necessary steps to determine the cause of the inactivity. If inactivity is due to termination of employment, New York University will promptly terminate all information system privileges and notify appropriate New York University personnel to terminate physical access to areas where EPHI is located. If inactivity is due to other causes, New York University shall complete a review and take measures to terminate, limit, suspend, or maintain the workforce member’s access, as appropriate.

7. Each covered component shall ensure that cryptographic keys are available to the appropriate managers or administrators if departing workforce members have used cryptography on EPHI.

8. A workforce member who ends employment with New York University shall not retain, give away, or remove from New York University premises any EPHI. At the time of his or her departure, a workforce member shall provide EPHI in his or her possession to his or her supervisor. New York University reserves the right to pursue any and all remedies against workforce members who violate this provision. Departing workforce members’ supervisors shall determine the appropriate handling of any EPHI that departing workforce members possess, in accordance with the Device and Media Controls policy (HIPAA Policy 14).

9. New York University shall deactivate or change physical security access codes used to protect EPHI Systems of departing workforce members, when known.

10. Each covered component of New York University will implement a documented procedure for return to New York University at the time of departure supplied equipment and property that contains or allows access to EPHI, and will disable and remove, by the time of, or if not feasible, immediately after, the workforce member’s departure, access to EPHI Systems held by the workforce member. Each covered component shall track and log the return of such equipment and property with the workforce member’s name, date and time equipment and property was returned, and identification of returned items, and shall securely maintain the tracking and logging information. The equipment and property that may contain, or allow or enable the workforce member to access, EPHI include:
   a. Portable computers
   b. Personal Digital Assistants (PDAs)
   c. Name tags or name identification badges
   d. Security tokens
   e. Access Cards
   f. Building, desk, or office keys

11. HIPAA REGULATORY INFORMATION

   CATEGORY: Administrative Safeguards
   TYPE: ADDRESSABLE Implementation Specification for Workforce Security Standard
HIPAA HEADING: Termination Procedures
REFERENCE: 45 CFR 164.308(a)(3)(ii)(C)
SECURITY REGULATION IMPLEMENTATION SPECIFICATION LANGUAGE: “Implement procedures for terminating access to electronic protected health information when the employment of a workforce member ends or as required by determinations made as specified in paragraph (a)(3)(ii)(B) [Workforce Clearance Procedure] of this section.”

Policy Definitions

Availability
Business associate
Confidentiality
Covered component
Cryptography
Electronic Protected Health Information (or EPHI)
EPHI systems
HIPAA Security Regulations
Information system
Integrity
Workforce member

Related HIPAA Documents

HIPAA Policy 1 – Overview: Policies, Procedures, and Documentation
HIPAA Policy 5 - Information Access Management
HIPAA Operational Specification 5.B - Access Establishment and Modification
HIPAA Policy 10– Business Associate Contracts and Other Arrangements
HIPAA Policy 11 - Facility Access Controls
HIPAA Operational Specification 11.C - Access Control and Validation Procedures
HIPAA Privacy Regulations covered component’s Minimum Necessary Policy


