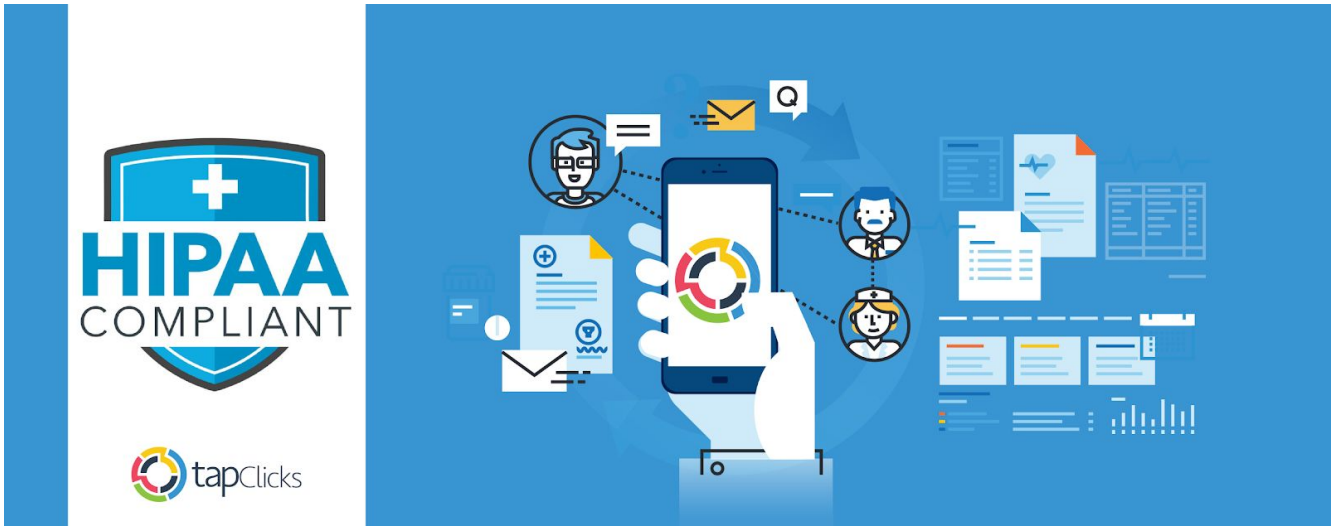
TapClicks and HIPAA Compliance



Contents

Overview

Like most businesses, medical payors, providers, and practitioners market themselves to potential new customers and patients. It's no secret that marketing reporting and analytics provides key insights into which of these marketing channels are providing the highest-quality leads and customers. Yet maintaining the privacy and security of protected health information can introduce challenges to SaaS Marketing Data and Operations solutions. TapClicks' HIPAA and HITECH compliant solution helps Covered Entities, marketing agencies, and media companies serving them, to maintain compliance with the regulations set forth by HIPAA.

Importance of HIPAA-Compliant Marketing Data

Marketing and advertising data (e.g. call tracking, email, marketing data) and other identifiable information can potentially be traced back to the individual patient and could constitute HIPAA covered information. This is especially true in the context of call recordings and responses to particular advertising campaigns.

Medical payors, providers, and practitioners are demanding that their providers (marketing agencies, media companies) sign agreements protecting this information.

Leading SaaS providers like TapClicks are now providing solutions designed specifically to allow these Covered Entities to feel confident that this data is being protected using industry best practices for HIPAA compliance.

HIPAA by TapClicks provides Marketing Agencies, Media Companies, and other service providers a fully compliant, secure platform to manage their advertising for HIPAA concerned Advertisers.

Regulatory Requirements

The Health Insurance Portability and Accountability Act (HIPAA) requires that this health information be protected from disclosure and misuse. In 2009, this was expanded by the Health Information Technology for Economic and Clinical Health Act (HITECH) to cover all business associates with access to health information, which includes marketing data, operations, and call tracking providers. There are two key components to HIPAA compliance: the Privacy Rule and the Security Rule. The Privacy Rule dictates what is considered Protected Health Information (PHI), and who may use and access this information. The Security Rule describes how this information is protected, including operational safeguards and technical measures.

According to the Privacy Rule, use of marketing data such as call tracking falls under the administrative operations usage of PHI. It is acceptable for this PHI to be shared with TapClicks, but only when a Business Associate Agreement (BAA) is in place. BAAs contractually ensure that the rights of individual patients are protected according to the heightened standards HIPAA affords such sensitive personal information. If a marketing agency is assisting the healthcare provider, then two cascading BAAs are required – one between the provider and the marketing agency, and one between the marketing agency and TapClicks.

The Security Rule requires TapClicks to have operational safeguards in place to prevent unauthorized disclosure of PHI. TapClicks has these measures in place, but the BAA is legally required to guarantee this to the healthcare provider for proper compliance with HIPAA regulations. In addition, the Security Rule requires additional technical safeguards, which are enabled for TapClicks' HIPAA customers.

Requirements for HIPAA Compliant Providers

Covered Entities must select a provider that takes their HIPAA compliance responsibility as seriously as they do. It is crucial to work only with service providers who have designed an end-to-end solution to meet the requirements of HIPAA and HITECH. Those providers will be willing to sign a Business Associate Agreement, certifying their implementation and responsibilities.

Entering into a Business Associate Agreement allows delegation of specific operational responsibilities to third-party service providers such as TapClicks. This BAA grants the third-party service provider the right to collect and store Protected Health Information on behalf of the healthcare provider. TapClicks' software, platform, infrastructure, and processes have all been carefully designed to ensure that clients' data is protected, and their responsibilities fulfilled.

TapClicks HIPAA Compliance Solution

TapClicks takes data security very seriously for all customers. The following protections are in place for customers on HIPAA compliant TapClicks plans:

All data encrypted “in transit”

As required by the Security Rule, all access to TapClicks is encrypted via SSL to protect data from interception on network points between the user and TapClicks. Links between TapClicks and other providers are also fully encrypted. Transmission via cipher suites or SSL versions with known weaknesses is prevented.

All data encrypted “at rest”

As required by the Security Rule, any call records, web visitor sessions, and call routing details are fully encrypted when stored on disk. This data is seamlessly decrypted as-needed for reporting purposes when accessed by the customer. Recorded audio is also securely encrypted, and only decrypted when needed for playback and registered to an authorized user. These precautions protect the data even if hard drives fail or are decommissioned or stolen.

Protection for external systems

TapClicks prevents transmission of sensitive data to external systems and instead provides a link that requires the user to login to review the information.

Secure access

Individual users are granted their own login credentials, which can be controlled by an administrator. Login sessions automatically expire after a brief period of inactivity to prevent unauthorized access.

Full audit history

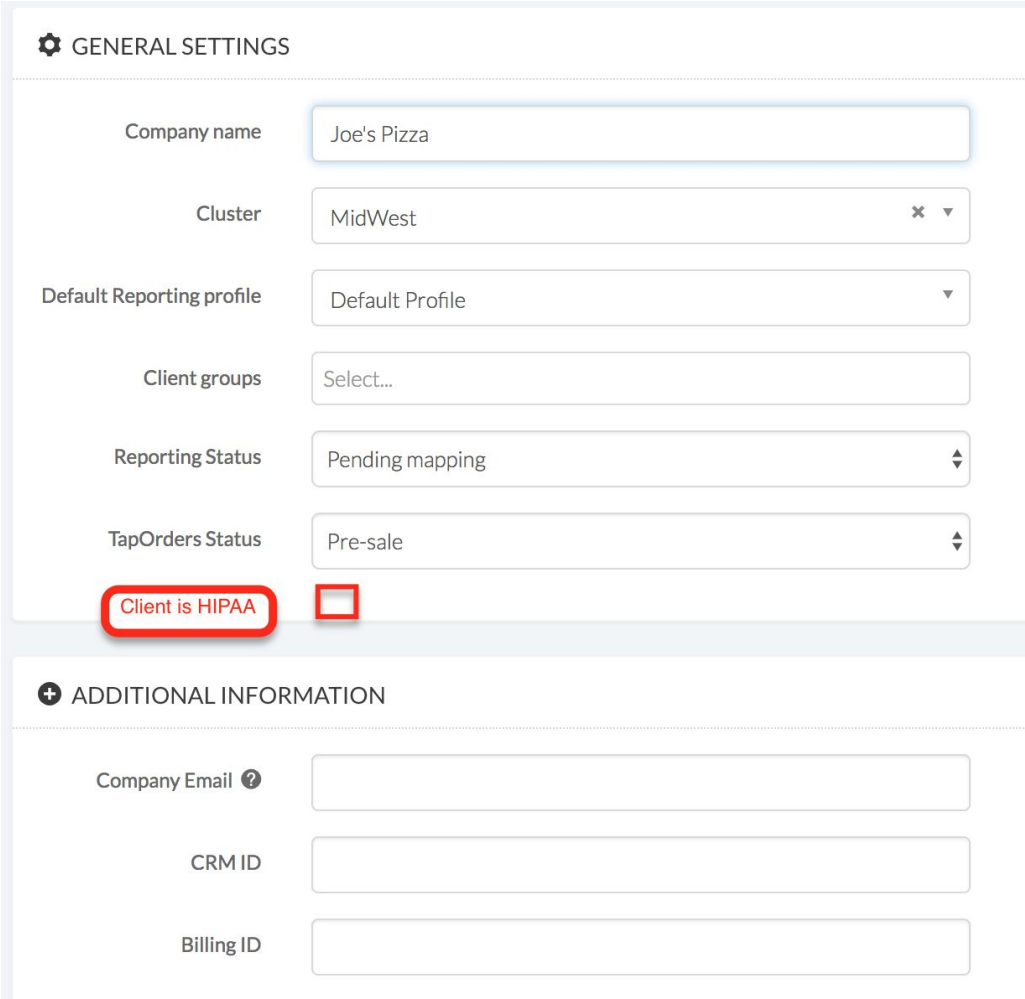
HIPAA requires logging for all access and modification to PHI. For HIPAA plans, all access is to the application is logged by user, timestamp, and IP address. Playback of any call recording, as well as all changes to calls, tags, or configuration are similarly logged.

TapClicks HIPAA Implementation

Implementing HIPAA at the instance level

We have an internal process for creating HIPAA compliant instances. When a TapClicks instance is created, our back-end instance management system can change an instance from non-HIPAA compliant to HIPAA compliant.

Enabling client to be HIPAA compliant



Permission client and agent users

Any super admin, business admin, agent or client user who has access to CLIENT enabled for HIPAA would be covered by the below behavior.

Implement Logging and Tracking on the App

In order to be able to track users' actions for audit, we need to be able to know the following:

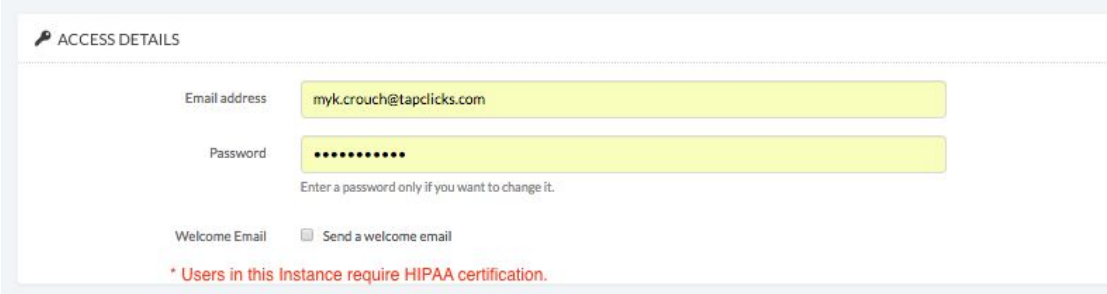
- When did the user login?
- When and what is their last action?
- Did the user create a report?
- Did the user add data?
    - Did they use the Smart Connector? Did they add a data source?
- Did the user setup scheduled report?
- Did the user setup a dashboard?
- Did the user acknowledge they are HIPAA compliant in the agreement box?
- What data did the user view and when?
    - Group of Clients
    - Specific Clients

User and Password recovery

All users in this Instance need to be HIPAA certified. In the user screen, under the "Access Details" section, there will be a HIPAA message:

Admin - All users
Business Unit Admin - All users
Agent - For Agent users who have HIPAA enabled.
Client - For Client users who have HIPAA enabled.

*Users of this instance require HIPAA certification

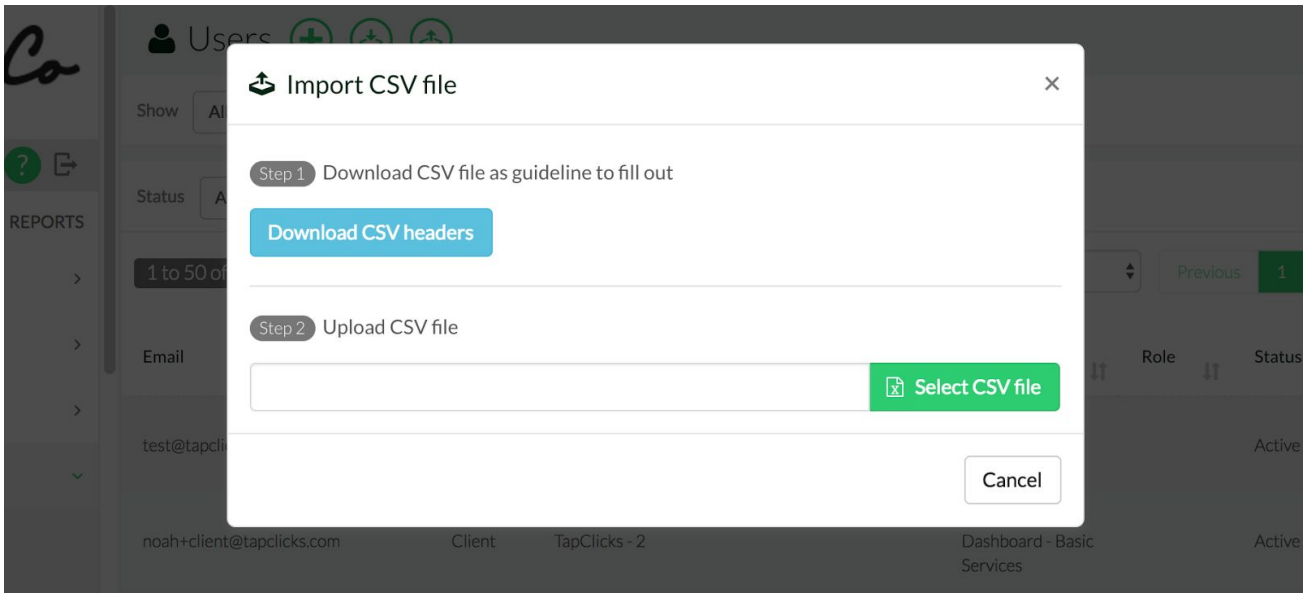


Bulk user addition/change

All users in this Instance need to be HIPAA certified. In the user screen, under the "Bulk import modal" section, there will be a HIPAA message:

Admin - All users
Business Unit Admin - All users
Agent - For Agent users who have HIPAA enabled.
Client - For Client users who have HIPAA enabled.

* Users of this instance require HIPAA certification.



User HIPAA acknowledgement

On first login, and once a year, all users in a HIPAA instance will be required to acknowledge that they are "HIPAA Certified" by clicking "CONFIRM" in a modal with the following wording:

Hello,

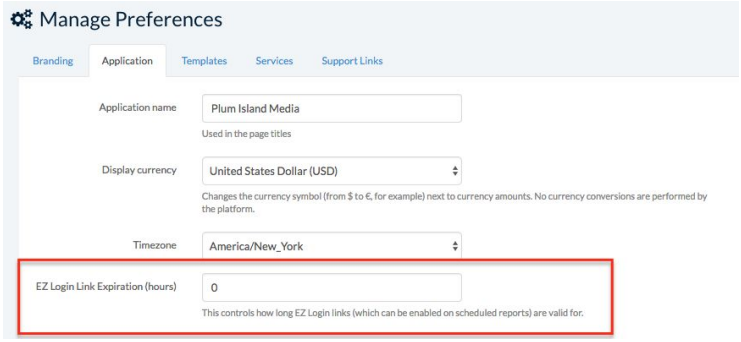
You have requested access to a HIPAA compliant instances. For more information on HIPAA compliance, please refer to: https://www.hhs.gov/hipaa/index.html. By clicking "CONFIRM" you are acknowledging that you are HIPAA Certified and may proceed. If you click "CANCEL" you will be logged out of this instance.

*CONFIRM CANCEL * Link to Terms of Use*

Users in a HIPAA instance must re-acknowledge this every year.

Easy Login

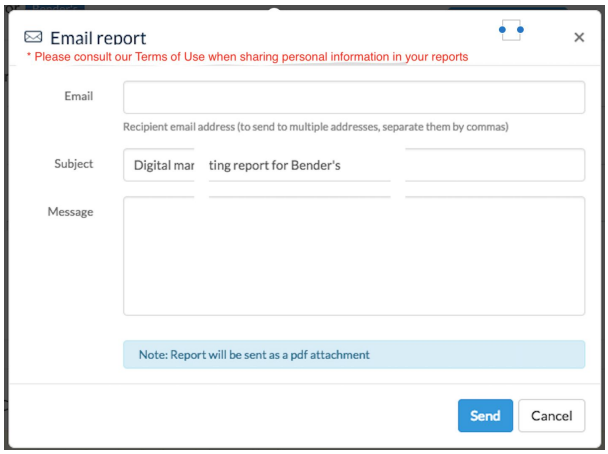
The ability to setup EASY LOGIN will be removed for all users on a HIPAA enabled instance.



Email Reports

When a report is being emailed out, HIPAA messaging will be added to the modal so the user is aware that PHI is not being shared or exported.

*Please consult HIPAA Privacy rules when sharing personal information in your reports.



PDF Reports

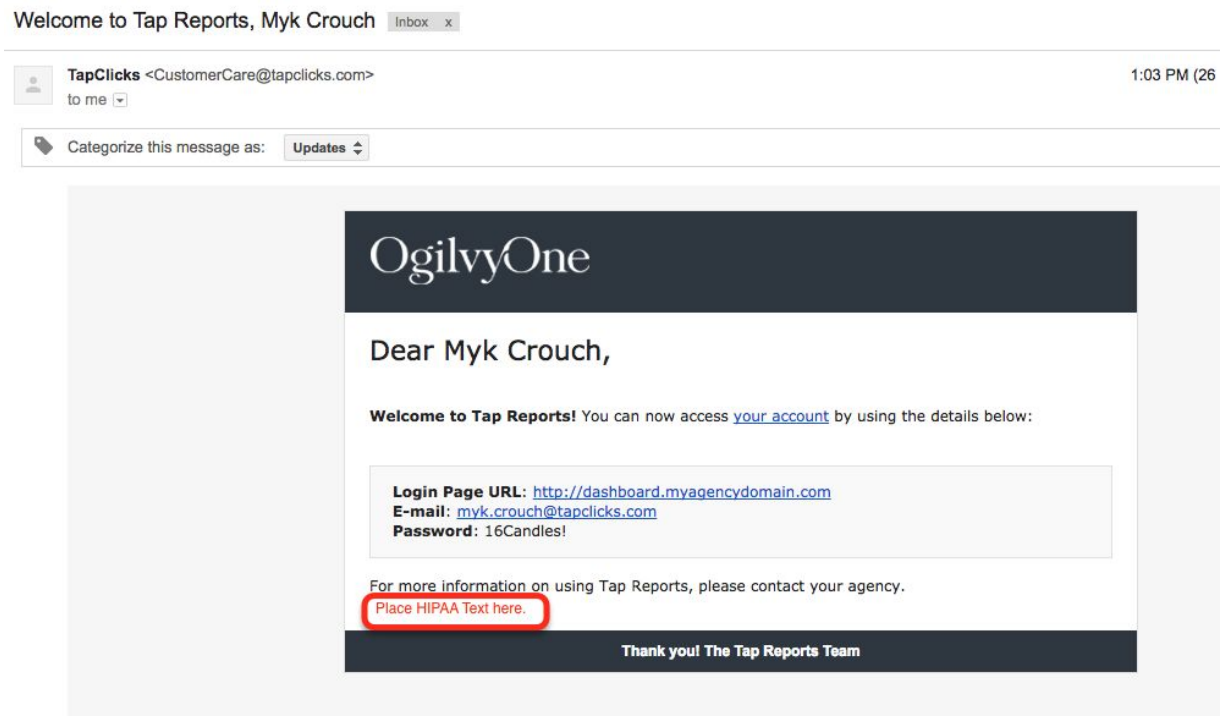
When a PDF report is generated in a HIPAA Instance, and for HIPAA enabled clients, the following wording is added at the bottom of every page in light grey color:

"This report was generated from a system containing personal information sent to advertisers. Please ensure you understand data privacy rights and data sharing restrictions as required by law, including restrictions on sharing personal health information. Refer to https://www.hhs.gov/hipaa/index.html for additional details."

Welcome Email

All Welcome emails within a HIPAA instance will have the below text added in the location marked.

"The contents of this email were generated from a system containing personal information sent to advertisers. Please familiarize yourself with data privacy rights and data sharing restrictions as required by law. Refer to https://www.hhs.gov/hipaa/index.html for additional details."


Welcome to Tap Reports, Myk Crouch
Inbox x
TapClicks <CustomerCare@tapclicks.com>
to me
1:03 PM (26
Categorize this message as:
Updates
OgilvyOne
Dear Myk Crouch,
Welcome to Tap Reports! You can now access your account by using the details below:
Login Page URL: http://dashboard.myagencydomain.com
E-mail: myk.crouch@tapclicks.com
Password: 16Candles!
For more information on using Tap Reports, please contact your agency.
Place HIPAA Text here.
Thank you! The Tap Reports Team

Next Steps

TapClicks HIPAA is sold as an add-on option for customers using any core package of the TapClicks SaaS platform and is priced competitively with a nominal setup charge and a small premium to the monthly subscription.

Contact Us for a Demo

866-291-4145
Sales@tapclicks.com

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