

Privacy and Security Solutions for Interoperable Health Information Exchange: Phase II

February 21, 2008

Presenters:

Linda Dimitropoulos,
RTI International

Phyllis Albritton,
P-Cubed Partners

Carolyn Turner,
Florida Agency for Health Care Administration

Moderator:
Steven Posnack,
Office of the National Coordinator for Health Information Technology



Highlights of the Privacy and Security Solutions Nationwide Impact Report

Presenter:

Linda Dimitropoulos
RTI International



Overview

- Overview
 - Brief Review of the Project Goals and Objectives
 - Impact of the Project
 - HISPC 2008: Multistate Collaboration

Project Goals and Objectives

- Reduce the variation in privacy and security business practices, policies and state laws that creates a barrier to widespread electronic health information exchange (HIE)
 - Ensure adequate protections for patients' privacy
 - Ensure an appropriate level of security to protect the data from unauthorized access
 - Ensure that consumers, organizations, and state and federal entities all have a role in this process

Project Goals and Objectives

(continued)

- Incorporate state and community interests into consensus-building process
- Promote stakeholder participation regarding the process
- Create a knowledge base about privacy and security issues for states and communities to inform future HIE activities

State of the States in 2005

- States at very different stages of health information exchange development
- All states reported some type of existing health IT and/or health information exchange activity
- Relatively few states had a defined entity or program that was recognized as the “state HIE effort”
- All states recognized the need to address privacy and security regardless of stage

Impact Analysis Report

- Impact Areas
 - Legislation
 - Executive Orders
 - Leadership and Governance
 - Stakeholder Education and Knowledge
 - Development and Sustainability of Health IT/HIE Efforts in the States

Legislation

- 11 states in various stages of legislation related to privacy and security
 - focus on updating and aligning statutes
 - mitigate risk of codifying existing variations by involving multiple stakeholders and getting feedback from a broad audience
- RI draft legislation related to the protection of information within the state's planned HIE
- VT looking at expanding the role of the state ombudsman to include privacy and security of health information

Legislation (continued)

- New Jersey Health Information Technology Act
 - Established the NJ Health Information Technology Commission
 - Integration of the NJ-HISPC recommendations, findings and conclusions into the New Jersey HIT Plan
- Minnesota HF 1078
 - Modifies existing statute and requires Commissioner of Health to:
 - develop a form to enable patients to access their health records
 - clarify definitions of several terms and specify terms for the exchange of health information between providers

Executive Orders

- Kansas, Mississippi, Ohio, and Oklahoma
 - February, 2007, the governor of Kansas issued executive order creating a health information exchange commission consisting of most of the HISPC project members
 - Mississippi's governor issued executive order in 2007 to create Health Information Infrastructure Task Force which includes recommendations by the HISPC team to address privacy and security issues
 - September, 2007 Ohio formed the Ohio Health Information Advisory Board that will develop an operational plan to implement recommendations from the OH-HISPC team
 - Oklahoma's governor signed executive order in January 2008 that includes the OK-HISPC steering committee as a permanent standing body to advise on privacy and security issues

Leadership and Governance

- Identified need for increased leadership within the state to support advancement
- Recommended an oversight body to govern privacy and security issues across the state
 - These recommendations took 2 main forms:
 - 1) an independent privacy and security governing body
 - 2) a privacy and security subcommittee that is part of a larger governing body

Leadership and Governance

(continued)

- For example, California Privacy and Security Board
 - Will provide a governance structure to facilitate and guide regional health information organization activity in California
 - Mission: to establish security standards, develop privacy principles and policies, and continue the privacy and security efforts begun under the project
 - Established 4 committees: the Privacy, IT Security, Legal and Education Committee

Stakeholder Education and Knowledge

- State teams reported engaging a broad range of stakeholders but found they needed to provide education
- NC established a Consumer Advisory Council
- MA held conference that included behavioral health and physical healthcare providers to discuss issues related to the integration of their data while protecting patient privacy
- Forged greater connections between state agencies that participate in HIE (e.g., Medicaid and State Children's Health Insurance Program agencies, public health authorities, correctional facilities, and emergency management departments)

Development and Sustainability of Health IT/HIE Efforts in the States

- 14 states indicated that the Privacy and Security Solutions project has increased support for planned statewide HIEs
- 23 states stated increased awareness of privacy and security issues among stakeholders is key to success in the development and sustainability of health IT and HIE
- 10 states indicated that
 - collaboration has been significantly enhanced
 - stakeholders are now better prepared to move forward

HISPC 2008

- Multi state work groups focused on further developing common solutions to issues raised during phase 1 of the project
- Targeted, focused interactions on areas of common concern
- Incorporates the work of 9 additional states and Guam into the collaborative (42 states and 2 territories)

Multi-State Collaborative Work Groups

- Standards Policy Adoption
- Consent Options, Outcomes, and Best Practices
- Consent Data Elements Required for Data Transfer
- Interorganizational Agreements
- Provider Education
- Consumer Education and Engagement
- Harmonizing State Privacy Law

Thank You

<http://healthit.ahrq.gov>

www.hhs.gov/healthit

www.rti.org/hispc

lld@rti.org

Identifiable information in this report or presentation is protected by federal law, Section 924(c) of the Public Health Service Act, 42 U.S.C. 299c-3(c). Any confidential identifiable information in this report or presentation that is knowingly disclosed is disclosed solely for the purpose for which it was provided



Consumer Education and Engagement

Multi-State Collaborative Work Group

Presenter:

**Phyllis Albritton
P-Cubed Partners**



Overview

- OUTCOME
- Privacy & Security Issues in HIE
- Process steps
- Targeted Population Subgroups
- Tool Selection & Criteria
- Partner Groups
- Measurement
- THE PLAN

Topic - Outcome

At the end of 12-months, we have established a replicable process that increases the engagement and understanding of targeted consumer population subgroups in privacy & security issues in HIE.

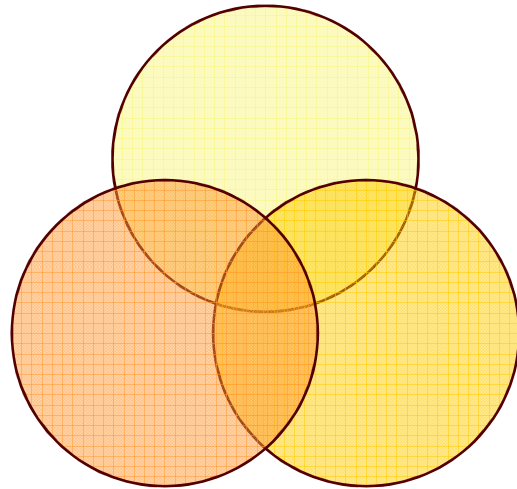
Privacy & Security Issues in HIE

- Defining & describing importance of HIE
- Understanding current HI access/flow
- Distinguishing between info control vs. ownership vs. access
- Defining & describing other uses
- Identifying patient preferences

Process Steps

- Inventory of existing materials/initiatives
- Literature review
- Research & Implementation
 - Sample documents
 - Sample processes
- Analysis
- Refining

Targeted Pop. Subgroups



- Define, Prioritize & Select
- E.g.:
 - Ethnicity
 - Age
 - Culture
 - Health Status
 - Urban/Rural

Tools: Criteria & Selection

- Surveys (No HISPC funding)
- Focus Groups (No HISPC funding)
- Summits/Meetings
- Material Review/Dissemination
- Video/PSA/other visual
- Toolkits

Partner Groups

- Identify
- Engage
- E.g., state chapters of:
 - AARP
 - ACLU
 - NAMI
 - National Council of La Raza
 - Urban League

Measurement

- **INCREASING**
 - Engagement
 - Understanding
 - Likelihood of participating
 - Esp. PHR & Opt-in
- Measurement starts with baselines?

THE PLAN – 12 Months

- Initial joint investigation of process steps
- Concurrent replication across states
- Broad-based options from representative sample of states:
 - CO, GA, KS, MA, NY, OR, WA, WV
- Compilation of
 - Research
 - Successes
 - Lessons Learned/Modifications

Topic - Outcome

At the end of 18-months, we have established a replicable process that increases the engagement and understanding of targeted consumer population subgroups in privacy & security issues in HIE.

Harmonizing State Privacy Law

Multi-State Collaborative Work Group

Presenter:

Carolyn Turner
Florida Agency for Health Care Administration



Overview of Presentation

- Background on Florida Initiative and Project
- HSPL Collaboration Objectives
 - State Level Objectives



Strategy for the Agency Health Information Infrastructure Initiative

The HISPC project is part of the overall Agency strategy to promote health information exchange

- Remove legal barriers to health information exchange in Florida law
- Promote adoption of electronic medical records including electronic prescribing
- Continue RHIO development and promote uniform privacy and security standards



Florida's Assessment Findings

- Inconsistent and fragmented laws exist at both state and federal level
- Lack of a standard requirement for when to use patient consent
- Fear of violating rules and litigation, based on:
 - mistrust of reliability of other health care entities and
 - liability concerns



Florida's Implementation Plan

- Goal 1 – Establish uniform privacy policies for electronic health information
- Goal 2 – Ensure the creation of a secure technological infrastructure
- Goal 3 – Raise awareness of electronic health information and its advantages
- Goal 4 – Participate in national forums



Florida's HISPC Objectives 2007

- Reconvene Legal Work Group, Complete Statutory Analysis, Develop Priority Recommendations, and Draft Legislation (Goal 1)
- Create Risk Assessment Tool for RHIOs (Goal 2)
- Hold Community Forums on the Privacy and Security of Health Information Exchange (Goal 3)
- Participate in States' Collaboration Proposals (Goal 4)



Analysis of Florida Statutes Related to Health Information Exchange

- Extension of original 18 scenario analysis (Phase I)
- Not a pre-emption analysis – focus on specifics of state law
- Address both private and public sector
- Some references to federal law



Framework of Statutory Analysis

- Ownership and control
- Patient consent and access
- Re-disclosure and emergency access
- Electronic transmission and electronic signature



Develop Legislative Priorities

- What legislative action would have the most immediate impact and what options are supported and feasible?
- What are the key barriers to organized health information exchange (HIE)?
- What are the key barriers to public sector participation?



Priority Recommendations

- Reconcile hospital licensure statutes and medical practice statutes
- Reconcile clinical laboratory statutes and medical practice statutes
- Develop uniform consent process



Harmonizing State Privacy Laws Collaboration Objectives

- Create and Use a Consistent Analytical Framework Across Participating States
- Develop Priority Recommendations for Reform
- Align State Solutions
- Demonstration Law (2009)



Challenges – Harmonizing Privacy Multi-State Collaboration

- Amount of technical detail -- breadth and depth
- New states entering collaborative
- Achieving consensus on methodological details
- Competing priorities, etc.



Rationale for Multi-State Collaboration – Harmonizing State Privacy Laws

- Federal solutions not inevitable
- Many barriers at state-level
- Analytical basis for solutions, consensus building
- Experience to ease the way for other states, and possibly, federal solutions



Florida HSPL Objectives 2008

- Reconvene Legal Work Group
- Review Other States' Statutory Analysis and Revise Florida Analysis
- Align Analysis with Collaborative Template
- Revise Priority Recommendations and Draft Legislation for Reform



Participating States - Harmonizing State Privacy Laws Collaboration

- Michigan
(Co-Chair)
- Idaho
(Co-Chair)
- Florida
- Kansas
- Kentucky
- Missouri
- New Mexico
- Texas





For more information, please visit:

<http://ahca.myflorida.com/dhit/PandSproject/PSprojectIndex.shtml>

<http://ahca.myflorida.com/dhit/index.shtml>

<http://www.fhin.net/>





Carolyn H. Turner, M.S.

turnerc@ahca.myflorida.com

Agency for Health Care Administration

Florida Center for Health Information and Policy Analysis

Office of Bureau Chief

2727 Mahan Drive MS 16

Tallahassee, FL 32308

