

HISPC-Illinois II

The Public-Private Partnership Moves Forward on Privacy and Security



HISPC Steering Committee Meeting
Monday, October 22, 2007
3:30-5:00 p.m.

In attendance:

*David Carvalho, Illinois Dept. of Public Health (project team)

Patrick Gallagher, Illinois State Medical Society

Carolyn Guthman, Consumer, AARP

*Jeff Johnson, Illinois Dept. of Public Health (project team)

Kathy Karsten, Illinois Public Health Institute (project team)

William Kempiners, Consultant

Louis Lazovsky, Jewish Federation of Metropolitan Chicago/Midwest Business Group on Health

Patricia Merryweather, Illinois Hospital Association

Randy Mound, Supervalu

*Marilyn Thomas, Illinois Dept. of Public Health (project team)

*Moderators

Not present:

Steven Glass, Access Community Health Network

Nancy Semerdjian, Evanston Northwestern Healthcare

Joyce Sensmeier, HIMSS

David Carvalho convened the meeting at 3:35 p.m. Minutes from the 8/27 meeting were approved by the group.

Jeff Johnson updated the committee on the **Privacy and Security Workgroup's** activities. The group came up with general recommendations to be adopted by organizations handling health information, and also addressed some higher-level concerns. The members' major concern, the protection of caregiver information, was added to their draft work products. Johnson reinforced the 'opt-out' approach chosen by the group, which is consistent with that of the electronic health records (EHR) task force' approach. A member asked for further clarification on the opt-out concept. Johnson said that records are presumed to be included unless a patient requests they be omitted. The member wished to clarify further that this intent was the conclusion of the EHR task force; the participant felt that unless it was included in the EHR's original report, he thought it might be a major issue. Another participant noted that opt-out is also a federal discussion. Johnson said that the choice was significant, as waiting until a patient 'opts in' would hinder the process.

Further discussion arose about national databases; blocking access to services that a patient prefers others not know about (mental health, etc.); the difficulty of authorizing one class of data without others, how information can be accessed at the local level; how differing legislation might allow some data to be

identified; the challenges the system may present for seniors and/or patients with cognitive deficiencies. After approval from the steering committee members present on the call, Johnson said the draft privacy and security recommendations, with a footnote about the opt-out approach and an explanation, would go out for stakeholder comment.

Marilyn Thomas next updated the committee on the activities of the **Legal Workgroup**. The group changed its original scope of work in their first meeting to reflect the discussion of several issues. The documents they developed are: a notice added to provider notices of privacy practice (NPP); a consent form for research; and a consent form for sensitive information. A committee member asked if providers can choose whether or not they are participating in the health information exchange (HIE); Thomas said this point was part of the group's discussion. The member asked if one could be recommended, and inquired where other states were on the issue; Thomas reported that some states are implementing an HIE based on extant statutory framework. In the absence of this legislation, however, some healthcare providers (i.e., Mayo Clinic) are adopting their own processes. Johnson replied that a subgroup of the HISPC collaborative with other states, the consent authorization permission collaborative, is proposing to collect forms and look for best practices. The Legal work group's NPP is largely based on a similar one from Indiana, and other forms are more focused on Illinois' specific concerns and laws. A member suggested adding a line for a witness to sign as an additional measure of protection. Others noted that it might not be necessary to add if the Legal work group hadn't done so already. The committee then approved the drafts for stakeholder comment. The group agreed to include information about who had been involved with the process in the cover letter to stakeholders.

Johnson then discussed the **work product dissemination plan**. A member requested that AARP and other advocacy organizations be included in the plan list. Johnson noted that it was an inadvertent omission. Another member noted that reference to "pharmaceutical companies" should be changed to "pharmacies." Another wanted to include ombudsman organizations, since they would likely be the ones to handle complaints from patients. Johnson asked other members to send him additional suggestions. The committee then voted to approve the plan.

Johnson also gave a report on the activities of the Consent/Authorization/Permission collaborative that includes Illinois. The collaborative was originally to address issues involving the consents needed to allow the sharing of personal health information. It recently split into two focus areas: one group wants to identify what data elements are required by states as proof of consent prior to permitting the transfer of data between HIEs (labeled Option A); The other is focused on analyzing consent forms states to look for elements that might be viewed as best practices (Option B). Illinois is working with the latter group, which will meet Oct. 25 to work on a plan for requesting project funding. There will be a subsequent meeting on Nov. 2 to further refine the project. The federal due date for requesting funding is in mid-November, and the project itself would take place in 2008.

Carvalho then provided an update on HB 1254. The Governor is convening an interagency group to advance the work outlined in the bill; Carvalho said more information would be forthcoming in a few weeks, and would also include an update on a stakeholders advisory group consisting of many of the members of the EHR Taskforce.

It was noted that the next meeting of the HISPC Steering Committee is scheduled for Dec. 17 at 10:00 a.m. Carvalho then adjourned the meeting at 4:45 p.m.