

# NC HIE Council Policy Development Committee

NCHICA  
Research Triangle Park, NC  
June 25, 2008

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*Improving health and care in North Carolina by accelerating the adoption of information technology and enabling policies*

## AGENDA

| <u>Start</u> | <u>Topic</u>   | <u>Discussion Leader</u>   |
|--------------|--|----------------------------|
| 11:00        | Welcome and Introductions  | Holt Anderson              |
| 11:10        | Approve May 28 Minutes   | Andrew Weniger             |
| 11:15        | Review Online Policy Discussions   | Dave Kirby<br>Lakshmi Iyer |
| 11:30        | HISPC & NHIN Projects<br>Consent<br>•Inter Organizational<br>•Agreement & DURSA approach | Roy Wyman                  |
| 12:15        | Lunch  | All                        |
| 12:45        | Open Discussion  | All                        |
| 1:00         | Adjourn  |                            |

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## Online Policy Development

- UNC-Greensboro has an online groupware/collaboration space
  - <http://baefacil.uncg.edu> (username: NCHICA, password: 2008)
- Approach
  - To facilitate brainstorming and discussion of ideas between meetings
  - Facilitates voting/prioritization of ideas/topics
  - Enable seamless communication between meetings (anonymous or open)
- Anticipated benefit
  - Serve as an electronic archive for the discussion of ideas and priority as it relates to NC HIE initiatives
  - Synthesis and reporting of discussions before meeting
    - This may aid in focusing the discussions on priority items during scheduled meeting times

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## Current List of Barriers and Policy Items

| Barriers (from HISPC work)                                      | Policy   |
|---|--|
| 1-Misinterpretation and/or Misapplication of Laws or Regulation | 1- Data Delivery from Health-Related Enterprises     |
| 3-Lack of Policy Standardization across Entities                | 2- PHI Holder Data Confidence                        |
| 4-Lack of Security Standardization across Entities              | 3- Timely Correction of Shared PHI                   |
| 7-Conflicting or Outdated Federal or State Laws or Regulations  | 4- Privacy Protection Measures                       |
| 8a-Lack of Consumer Understanding or Awareness of the Benefits  | 5- Integration of PHRs and EMRs                      |
| 8b-Lack of Definition of Consumer Empowerment                   | 6- Encouraging Early Community HIE                   |
|   | 7 - Opt-out impact on persistency of data            |
|   | 8 - Authorization, Authentication, Access & Auditing |

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### HISPC AND NHIN PROJECTS CREATION OF UNIFORM AGREEMENTS

Roy H. Wyman, Jr.  
Williams Mullen

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## HISPC OVERVIEW

- ONC-funded program
- Now in Phase 3:
  - Began April 1, 2008
  - Now 42 states and territories included
  - Address the privacy and security challenges presented by electronic health information exchange through multistate collaboration
  - 7 Collaboratives dealing with various issues

## IOA Collaborative

- **Goals:**
  - Develop model cross-state inter-organizational agreements that permit the participating states and providers within those states to conduct interoperable HIEs
  - Once model IOAs are developed, demonstrate their value in pilot HIEs
  - Collaborate in NHIN, including a pilot with the NHIN project in North Carolina

## The Ultimate Goals

- **Two or Three Documents**
  - Public/Government to Public/Government
  - Private to Private
  - Public/Government and Private
- **Pilots**
  - New York City and New Jersey
  - Iowa, South Dakota, North Dakota
  - North Carolina/NHIN (with Alaska Assistance)
  - Others
- **Certification**

## What Have We Done?

- Library of DUAs and Other Documents (44)
- Creation of Classification Scheme
- The Monster Document

## Provider Requirements (PR)

### A C .01/ph.06/(S2)-PR.01

2. Alaska ChartLink Access. Patient hereby authorizes Alaska ChartLink (and all providers the Patient has authorized who are participating in the Alaska ChartLink Network) to have access to his/her PHI for the following uses and purposes:

- Treatment of patient.
- Mitigation of a breach of confidentiality or unauthorized access of PHI.
- Payment for healthcare services.
- Auditing and monitoring use of the Network and compliance with the terms and conditions of this Agreement.
- Providing customized summary reports with non-identifying data or statistics as needed for public health or providing audit information, investigation, and general access in accordance with other governmental purposes as required by law.

### M F .01/ph.06/(S5.2)-PR.01

5.2 Certification of Authorized Users. How the Participant will provide assurances that its Authorized Users have been trained appropriately. At the time that Participant identifies an Authorized User to [SNO Name] pursuant to Section 5.1 (Identification of Authorized Users), Participant shall certify to [SNO Name] that the Authorized User: a) Has completed a training program conducted by Participant in accordance with Section 10.5 (Training); b) Will be permitted by Participant to use the Services and the System only as reasonably necessary for the performance of Participant's activities as the Participant Type under which Participant is registered with [SNO Name] pursuant to Section 4.3.2 (Participant Type); c) Has agreed not to disclose to any other person any passwords [and/or other security measures] issued to the Authorized User pursuant to Section 5.3 (Passwords and Other Security Mechanisms); d) Has acknowledged [in writing] that his or her failure to comply with the Terms and Conditions may result in the withdrawal of privileges to use the Services and the System and may constitute cause for disciplinary action by Participant; and e) [Others, if desired].

### M F .01/ph.06/(S4.3.3)-PR.01

4.3.3 Approval and Disapproval of Registration Forms. The SNO will be entitled to review all registration forms and decide not to accept any given party's registration. [SNO Name] shall review each Registration Form and shall approve or disapprove each in accordance with the Terms and Conditions and as [SNO Name] determines in its sole discretion is appropriate. [SNO Name] shall not be required to approve any Registration Form or other application to be a Participant.

## The Master Document

- What is this:
  - A compilation of more than 44 documents
  - Organized based on a classification system
- How is it organized
  - “\_.\_./\_.\_./(\_)-\_.\_.”
  - “Document Source/Type/(p or §)-category”

## The Topics

- All the Provisions Typical in a DUA
- But First: Creating Core Language for Critical Issues
  - Recipient Requirements
  - Provider Requirements
  - Privacy
  - Security
  - Liability
  - Indemnification

## Why Am I Here?

- Gimmee:
  - Attorneys
  - Input
    - Non-Starters
    - What MUST Have
    - What Would LIKE to Have
    - Ideas on Pilots
  - Questions
- Free Lunch

## The Core Topics, Encore

- Recipient Requirements
- Provider Requirements
- Privacy
- Security
- Liability
- Indemnification

## NHIN Specific Policies

### Consumer Empowerment Use Cases - DRAFT

- Consumer Exclusions
  - How to display?
    - Hidden
    - Notated but hidden
- Consumer Provider Designations
  - Automatic
  - Manual

## NHIN Specific Policies

### DURSA Topics - DRAFT

- Allocation of Risk and Liability
- Specific Duties of Requesting and Responding Participants
- Permitted Future Uses
- Consent / Authorization
  - “Each Participating HIE is responsible for obtaining an individual’s consent or authorization as required by Applicable Law, its policies or agreements between the Participant and its Users before making that data available to the NHIN for exchange for treatment purposes. Participants transmitting a query based on an authorization must transmit a copy of the authorization with the query”

## Upcoming Meetings

- **July 23**                      **11:00 a.m.**        **NCHICA Offices**  
HISPC Consent Collaborative Issues (Trish Markus / Linda Attarian)
- **August 27**                      **11:00 a.m.**        **NCHICA Offices**
- **September 24**                      **11:00 a.m.**        **NCHICA Offices**
- **October 22**                      **11:00 a.m.**        **NCHICA Offices**
- **November 26?**                      **11:00 a.m.**        **NCHICA Offices**