

# **NC HIE Council Policy Development Committee**

**NCHICA  
Research Triangle Park, NC  
August 27, 2008**

# AGENDA

<b><u>Start</u></b>	<b><u>Topic</u></b>	<b><u>Discussion Leader</u></b>
11:00	Welcome and Introductions	Andrew Weniger
11:10	Approve July 23 Minutes	Andrew Weniger
11:15	HISPC Project Consent Collaborative Policy Issues Review and expand on scenario analysis (opt in / opt out / + )	Patricia Markus & Linda Attarian
12:15	Working Lunch	All
12:45	Open Discussion	All
1:00	Adjourn	

# HISPC

## Health Information Security and Privacy Collaboration

### Consent Policy Options Collaborative

NC HIE Council

Policy Development Committee

Wednesday, August 27, 2008

# Health Information Security and Privacy Collaborative

- Established in 2006 by RTI International
- Funded by Health and Human Services
- Phases 1 and 2 of HISPC comprised 34 states and territories
- Phase 3 of HISPC began April 2008 and comprises 42 states and territories

# HISPC Phase 3

Collaborative	Participating States and Territories	
	N	Abbreviations
Consent 1 – Data Elements	11	IN, ME, MA, MN, NH, NY, OK, RI, UT, VT, WI
Consent 2 – Policy Options	4	CA, IL, NC, OH
Harmonizing Privacy Law	7	FL, KY, KS, MI, MO, NM, TX
Consumer Education and Engagement	8	CO, GA, KS, MA, NY, OR, WA, WV
Provider Education	8	FL, KY, LA, MI, MO, MS, TN, WY
Adoption of Standard Policies	10	AZ, CO, CT, MD, NE, OH, OK, UT, VA, WA
Interorganizational Agreements	7	AK, GU, IA, NJ, NC, PR, SD

# Collaborative Deliverables

- Systematic process or roadmap for states to use in addressing intrastate and interstate consent issues
- Central Library of Consent Documents/Forms
- Matrix of international and national consent approaches
- Summary of risks and benefits associated with mandatory and voluntary consent approaches for each intrastate HIE scenario evaluated
- Recommended best legal mechanism to address conflicting state consent laws to facilitate interstate HIE



## Intrastate Consent Policy Options: NC's Work Plan, cont.

These consent options will be evaluated through the following ambulatory care scenarios:

- Lab Results
- Outpatient Care Coordination
- Reportable Disease
- Minor Seeking STD Testing
- Substance Abuse Consultation
- Data Warehouse/Decision Support



## Interstate Consent Policy Options

- Explore legal mechanisms to resolve conflicts between state laws about consent to release information:
  - What law would apply to consumer health information created in state A, stored or accessed electronically by a HIO in state B, and disclosed to an entity in state C?
- Options being considered: Uniform Law, Model Act, Interstate Compact, Choice of Law

# QUESTIONS??

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## Upcoming Meetings

- **September 24 11:00 a.m. NCHICA Offices**
- **October 22 11:00 a.m. NCHICA Offices**
- **November 26? 11:00 a.m. NCHICA Offices**