

Connecticut Health Information Technology and Exchange Advisory Committee  
Legal and Policy Subcommittee  
June 2, 2010  
Minutes

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**Attendance:** Lisa Boyle, Marianne Horn, Mark Laudemberger, Kelly Styles, Marcia Petrillo, Mike Varney (DOIT), Moses Vargas, Kenneth Dardick, Michelle DeBarge, Lori Forquet, Kate Gedney (intern)

**Public:** Adam Greenberg

- I. Approval of Minutes from last meeting
- II. Discussion of last HITE AC Meetings
  - Strategic plan draft will be released to the Advisory Committee on June 8, 2010 with comments due by June 10, 2010.
  - CT HIE Leadership meeting will be held at CHA on June 10, 8:30-12:30 to introduce in a public forum, the overview of the HIE strategic planning by DPH, eHealthConnecticut, Inc., (the Regional Extension Center (REC)) and the Department of Social Services (DSS). Another public forum is planned for June 23 from 5-7 p.m. at the LOB. Public comments are being solicited for possible incorporation into the plan.
  - Legal and Policy Subcommittee recommendations will be made to the full HITE AC on June 21 at its regular meeting, 12-2 at DOIT.
- III. Legislative update on passage of HITE legislation
  - HIE legislation passed as part of the DPH tech bill. (P.A No.10-117, §§ 82-90 and 94).
  - Quasi-public agency will assume lead health information exchange organization designation for the state on 1/01/11. Several changes were made to the Board of Directors, i.e., more public voting members, the addition of three members (now 20 members on the Board) including a consumer and a doctor in a small practice.
- IV. Legal Review: Discussion of Consent Options draft
  - Recommended model is a pure opt-out
  - Re: collection of the health information into the HIE; all information will flow into the HIE. Disclosure document will be provided at each visit (as it is now) to inform patient of privacy policies. If opt-out completely, a separate form would be signed.
  - In Maryland, there is a Master Patient Index and a link to record locator; kept on separate servers. This looks like good model for CT.
  - Re: disclosure of Health Information from the HIE, as is currently required under HIPAA, there will be a business associate agreement between provider and HIE. O.K. to flow information back out of HIE without consent for TPO, subject to any specific disclosure restrictions.
  - Discussion was held regarding the feasibility of tagging special information. Systems can be designed to tag/flag this information.

- Discussion was held about whether it was necessary to know whether the system is federated or centralized. It was determined that as long as a vendor has registered where the patient information is stored, it is reachable, regardless of whether the system is centralized, federated or a hybrid.
- It would be the responsibility of the provider to identify the sensitive PHI and to convey such restrictions to the HIE. The HIE will adopt a policy regarding restrictions that is uniform throughout the state. Authorization would be required for release of such sensitive information.
- The HIPAA preemption updating project will shift to summarize each of the CT laws and verify that this model will work. There are a lot of misconceptions about what the laws re sensitive information actually require. Attorneys from CHA and the Medical Society should be involved. A lot of education of providers (by the REC) will need to happen.
- It was suggested that membership be expanded to include representatives from CHA and FQHCs.

V. Things to do for next meeting:

- Lisa Boyle will revise draft Consent Options whitepaper