

LWG Consent Subgroup Meeting Minutes August 29, 2007

Participants: Jim Skidmore, Stephanie Jursek, Terri-Lynne Smiles, Rick Sites, Nancy Gillette, Janice Franke, Pete Mihaly, Bill Mitchin, Jim Lapczynski

Phone: Michael Hawton, Katie Engler, Sue Yoder, Karen Smith, Keith Hepp, Sarah Plake, Debbie Bahnsen

INTRODUCTIONS

Terri-Lynne Smiles welcomed the group. All attendees introduced themselves.

APPROVAL of AUGUST 1, 2007 MINUTES

A motion to approve the minutes as written was made. The motion passed unanimously.

HISPC UPDATE

Stephanie Jursek indicated that the National Governors Association State Alliance for e-Health, Health Information Protection Taskforce requested an update in the development of the Ohio model permission form at their meeting on August 28. Nancy Gillette and Bill Mitchin served as the Ohio representatives. Based on initial research, it appears that Ohio is in the forefront in the development of a model permission form. Bill Mitchin will be attending two in-person RTI national consent collaborative meetings on September 9-10 and November 1-2. Bill Mitchin added that Ohio has volunteered to respond to the upcoming RFP from the Office of the National Coordinator for Health Information Technology on behalf of the national consent collaborative.

With regard to the Ohio Health Information Technology initiative (OHHIT), Governor Strickland selected an HIT Coordinator. Rex Plouck will serve in that role. He will address the proposed Governor's Executive Order drafted by the Health Policy Institute of Ohio and the Ohio Department of Health. In that regard, the State of Ohio Chief Information Officer or his designee will serve as the co-chair of the Ohio Health Information Partnership (OHIP) Advisory Board in place of Director Jackson from the Ohio Department of Health. The HISPC Steering Committee approved the business plan for development of OHIP. The 4th Annual HIT Summit will be held on October 29, 2007. Stephanie strongly recommended that the Consent Subgroup representatives attend the Summit. There will be a breakout session for discussion of the Ohio model permission form at the Summit. Representative support is necessary to address questions and to obtain stakeholder buy-in. In addition, Ohio University will be having a rural health information technology conference on September 17-18, 2007. Dr. David J. Brailer will be the keynote speaker at the conference.

GENERAL RESTRICTIONS SUBCOMMITTEE REPORT

Nancy Gillette reported the updates to the draft Ohio model permission form from the General Restrictions Subcommittee. In-depth dialogue ensued, regarding the updates and the use of the form. The Subgroup representatives suggested additional revisions. They include the following:

- Further review of the wording for the Patient/Client reference as YOU/YOUR and the use of the Social Security Number.
- Additional explanation in the introduction section, regarding the instructions for signing the form. Specifically, it should state that an individual may provide consent for use and disclosure of health information in either Section A or B.
- Consider development of an instructional sheet for completing the model permission form
- Incorporate a provision in Section A that makes reference to restrictions in the note section for the disclosure of HIV/AIDS information.

- Move the reference to the note restrictions found in the signature section to the introduction section of the permission form.
- Further clarification of the provision in the signature section, indicating that treatment is not contingent on signing the permission form.
- Revision of the note section header.
- Add tort action reference in note 4.
- Further clarification of the description outlined in the note 1.

Based on the recommendations presented, Nancy Gillette and Terri-Lynne Smiles will revise the sections that were discussed for the next draft of the form that will be submitted for review at the September 12 meeting.

TOPICAL AREA RESTRICTIONS SUBCOMMITTEE REPORT

Terri-Lynne Smiles reviewed with the Consent Subgroup representatives the recommended modifications to the form by the Topical Area Restrictions Subcommittee. There was a good exchange of information. Additional recommended modifications by the Consent Subgroup included the following:

- Revision of Section B layout.
- Streamlining the specific list of types of records in Section B by broadening the categories.
- Restructuring the provision in the signature section, outlining the process for revocation of authority to release patient health information.

Terri-Lynne Smiles and Nancy Gillette will revise the draft permission form based on these recommended modifications. A revised draft will be presented at the Consent Subgroup meeting on September 12.

MODEL PERMISSION FORM RESEARCH

Sarah Plake shared with the Consent Subgroup the results of her research of eleven states and some national organizations to obtain model permissions forms that encompass Medicaid, drug and alcohol, and mental health. Limited information was found. Representatives from West Virginia and Wisconsin forwarded general HIPAA authorization forms for review. Nancy Gillette inquired into Minnesota's progress in the development of a model permission form. Michael Hawton, Minnesota's HISPC Project Coordinator, commented that the drafting of the model authorization form will occur over the next several months and must be completed in January of 2008 based on recently enacted legislation. He will e-mail sample authorization forms. Inquiries were made regarding implementation of the acceptance of the prepared model permission form both on an intrastate and interstate basis in Ohio. There was a good exchange of information.

Jim Skidmore informed the Consent Subgroup of a recent report from the U.S. Department of Health and Human Services, Office of the Inspector General, concerning initiatives on health information technology and health information exchange with Medicaid agencies. Stephanie Jursek will provide the link to the Subgroup.

Next Meeting

The next meeting will be held on Wednesday, September 12, 2007 from 10:00 a.m. to 12:00 p.m. at the HPIO office.