

HISPC /OHISP Legal Working Group Meeting Minutes

June 22, 2006

Participants: Frank Carsonie, Ayeshia Ellington (rec), Nancy Gillette, Bill Hayes, Stephanie Jursek, Bill Mitchin, Jayme Moore, Philip Powers (tech), Darrell Ranum, Michele Shuster, Rick Sites, Karen Smith, Brian Pero, Christina Shaynak-Diaz, Socrates Tuch; *by phone*: Jeffrey Kapp, Aric Martin, and Terri-Lynne Smiles

INTRODUCTIONS:

Stephanie Jursek, Coordinator of the Legal Working Group (LWG) welcomed the group, and all attendees introduced themselves.

HISPC VISION

Bill Hayes gave an overview of the Health Policy Institute of Ohio (HPIO), the Ohio Health Information Strategic Plan (OHISP), and the Health Information Security and Privacy Collaboration (HISPC) projects. The information that is gained from the HISPC project will not just be used for HISPC purposes but also to further investigate Ohio privacy and security challenges. These initiatives will be helpful in submitting platform issues for gubernatorial candidates and in helping to establish the Governor's budget for the next 2 years. Some challenges that are already foreseen with the HISPC project include the project deadline schedule. The project timeline has been pushed back several times due to unforeseen issues. Bill Mitchin and Stephanie Jursek will go to the West Virginia RTI site visit for training on June 27 to obtain a better understanding of the use of the RTI assessment tool and to obtain further directives for the working groups. Ohio's RTI site visit will be conducted on July 25.

Stephanie Jursek went over the Ohio HISPC Working Groups presentation (online at <http://hispc.pbwiki.com/State%20Legal>). The Steering Committee will have oversight responsibility of all the working groups which include the Variations Working Group (VWG), Legal Working Group (LWG), Solutions Working Group (SWG), Implementation Plan Working Group (IPWG), and the Ad Hoc Working Group (AWG). The Variations Working Group is responsible for analyzing organizational-level business practices, policies and procedures, and identifying barriers. The LWG will analyze the barriers and determine their legal basis, if there is one. This group will work closely with the VWG. The SWG will provide preliminary solutions to address the barriers. The IPWG will develop a plan to launch the solutions. The AWG will provide support for all of the working groups, including research and educating stakeholders on various issues, pertaining to the HISPC project.

OVERVIEW OF THE NINE DOMAINS

Bill Mitchin presented the nine domains of the HISPC project. The nine domains are the core of the project. A summary can be found in the packet and online (<http://hispc.pbwiki.com/State%20Legal>). A report will be produced to assess the situation in Ohio and should include information centered on the following nine domains:

- 1) End user authentication; user is who they say they are
- 2) Various levels of access; how is access granted?
- 3) Patient and provider identification across entities-information sharing both internally and externally; rules and procedures
- 4) What is the technology technique; how is the data going to be encrypted?

- 5) How do we ensure modifications are correct; management of information change
- 6) Audit trails; how are they defined? Tracking authorization methods
- 7) Physical safeguard; how is access authorized to a room and to data?
- 8) State law; application of Ohio law
- 9) Disclosure of eHealth information; how is patient notified?

The group will receive scenarios to help them further understand challenges. A total of eighteen scenarios will need to be broken down into the nine domains, then into solutions. The VWG will produce a template to help the LWG understand what solutions fit into what domain. Scenarios have not yet been released. Nancy Gillette reminded the LWG member representatives that they will be working within the framework of information provided by the VWG.

REVIEW OF LWG WORK PLAN

Stephanie Jursek informed the LWG member representatives that the LWG work plan is a work in progress (online at: <http://hispc.pbwiki.com/State%20Legal>). The charge of the LWG is multi-faceted. It includes conducting a review of the nine domains and giving feedback to the VWG, assessing barriers and how they apply to the state law, if any, provide consulting support to the SWG and IPWG and informing them of new legislation impacting interoperability of health information exchange, and guidance, regarding governance on the same.

Ground Rules

Meetings: Meetings with co-chairs and members will be held bi-weekly for approximately two hours starting in August.

Scope of the work: Conduct extensive research but provide high level analysis

Implementation: Each LWG member representative will select a domain of interest and focus on assessment of barriers related to that domain. They will then prepare a summary of analysis and present this summary to the group. The report development subgroup will write up a report based upon the summaries, and those not on the report development team will form a peer review subgroup. The LWG will work in conjunction with the VWG to refine the final report.

Timeline

June 22: Each member representative will select a domain of interest and analyze it.

August 2: There will be in depth discussion of the nine domains and scenarios. Member representatives can share initial feedback on potential barriers and determine how to present findings to the VWG.

Governance Work

The LWG will seek input from working groups and stakeholders on the governance structure and rules for a statewide entity in Ohio. A research subgroup will be formed to analyze the governance structure and rules of other state level organizations. An assessment will be made from the findings, and a report written for review by the SWG and IPWG. This proposal will also be shared with the Ohio Health Information Strategic Plan team.

INFORMATION

News/Updates

Member representatives can check for any changes or updates on the website (<http://hispc.pbwiki.com/State%20Legal>). All suggestions or comments should be sent to Stephanie Jursek and she will post them on the WIKI. The site and its contents are public, but only HPIO staff will be allowed to edit the content. The site will contain all meeting agendas, presentation materials, and calendar of events.

Member Representatives Roster

Contact information for member representatives of the LWG can be found in the packets and on (http://hispc.pbwiki.com/f/LWGMembers_20060620.pdf).

Background Information

Stephanie Jursek recommended that the LWG member representatives review the background information, which includes the RTI RFP and the response to the RFP (see the LWG Work Plan presentation material online for links). Another helpful document is HPIO's policy paper *Assessing Health Information Technology in Ohio* (<http://www.healthpolicyohio.org/>).

Potential Member Representatives

Bill Hayes indicated the need for additional LWG member representatives. Key areas for representation include privacy officers in hospitals, ACLU representatives, etc.

QUESTIONS/COMMENTS

Will there be opportunity to share among groups? Yes, working group coordinators have access to toolkits and are able to share information with other states. States should not be opposed to working together.

Socrates Tuch asked the group for assistance in putting the Ohio project into a broader national picture. He said eventually a unified national system will be developed, and that is the long term goal of the project. Bill Hayes also added that there should be a smooth flow of information between states with this national system.

Socrates Tuch thanked the members for their time and commitment on behalf of the Governor's office. He reminded the group that it is critical that Ohio be represented in the national picture, and that this is an opportunity to influence what the national standard will be. He emphasized that the Governor is committed to the health information technology issue.

SELECTION OF DOMAINS

Member representatives can sign up for a domain before they leave the meeting or on the WIKI. Please give first and second choices. The group will discuss meeting arrangements for subgroups on August 2, 2006.

OTHER BUSINESS

Issue specific meetings will be held, and all are welcome to come. More information is to follow; check the website for updates.

Meeting adjourned at 11:30 a.m.