

# **2009 HISPC Seminar Series**

## ***Health Information Security and Privacy Collaboration (HISPC) Multi-State Collaboration***

**Harmonizing State Privacy Law Collaborative**  
*The “How To” Guide for Organizing, Analyzing, and Prioritizing  
State Privacy Laws that Impact Health Information Exchange (HIE)*  
*Tuesday, June 16, 2009*

***Presenters:***

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***Moderator: Linda Dimitropoulos (RTI)***

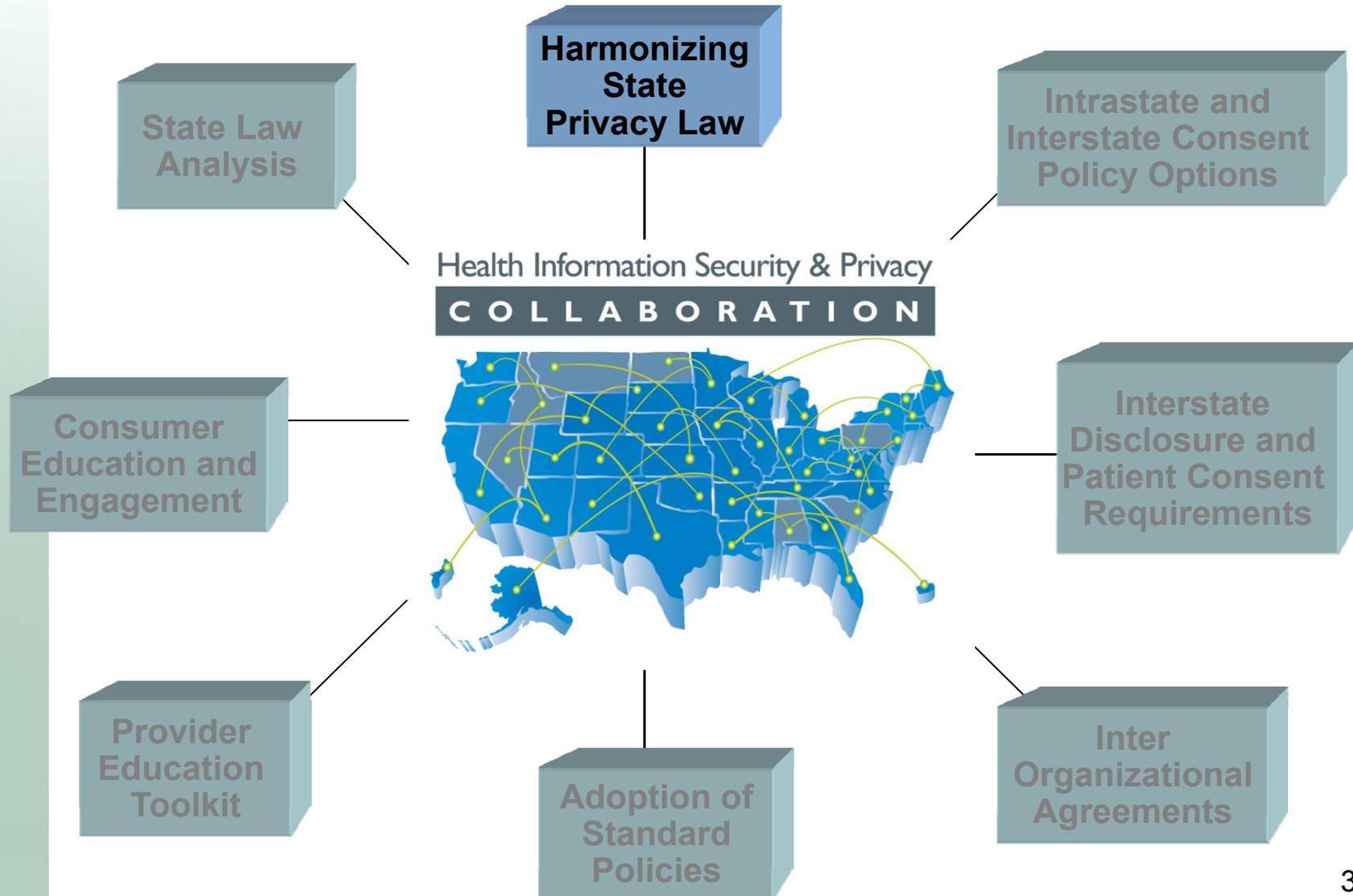
Health Information Security & Privacy  
**COLLABORATION**



# Before we begin...

- All participants are in audio broadcast mode—you must enable your computer speakers to listen to today's presentation.
- If you experience any difficulty with the audio, please notify the Webex producer.
- If you have a question during the presentation, please send your question to all panelists through the chat. At the end of the presentations, there will be a question-and-answer period.
- Please e-mail [privacy.security@rti.org](mailto:privacy.security@rti.org) if you have any questions following this presentation.
- All HISPC materials can be found on the Web: <http://healthit.hhs.gov/HISPC>

# HISPC Phase III



# Learning Objectives

- Process to help states determine how state privacy laws impact HIE adoption.
- Process to help states prioritize legislative action related to state laws.
- Encourage states to use the process and share findings.

## **The Roadmap Video – Part 1**

(go to <http://www.lcfresearch.org/home.aspx> to play the video)



**The Roadmap**

# Harmonizing State Privacy Law (HSPL) Collaborative

- Develop processes and tools for states to use that work toward harmonizing disparate state laws.
- Provide a framework for a coordinated approach among states to ensure that when states approach health IT-related reforms, they do not codify new or current variations that could make nationwide electronic health information exchange more difficult.

# Harmonizing State Privacy Law (HSPL) Collaborative

- Resolving privacy issues is critical to HIE sustainability and implementing interstate and intrastate HIEs.
- HSPL developed the Roadmap to assist states in...
  - identifying,
  - analyzing, and
  - addressing
  - ...state laws that may impact HIE.

# Introduction to the Roadmap

**The Harmonizing State Privacy Law Collaborative (HSPL) Question:**  
How can states lay the legal groundwork to facilitate electronic health information exchange?

## The Roadmap Video – Part 2

(go to <http://www.lcfresearch.org/home.aspx> to play the video)



# Introduction to the Roadmap

01102005/021011000 100011000  
0000110001100011000

## Four Principles

1. Laws must be surveyed.
2. Laws must be logically grouped for analysis.
3. Laws must be analyzed in relation to HIE.
4. Feasibility of changing the law must be assessed.

# HSPL States and the Roadmap

- Many states' laws are antiquated, fragmented, and inconsistent.
- State laws may create unintentional barriers to the appropriate exchange of electronic health information.
- Tools from the Roadmap can assist in identifying areas of the law that need updating.

# HSPL States and the Roadmap

The Comparative Analysis Matrix (CAM) and the Assessment Tool address the challenges and benefits of pursuing legislative reform, as well as identifying other pathways that achieve similar outcomes, such as administrative rules and procurement.

# HSPL States and the Roadmap

**Through research on state laws (using the CAM and Assessment Tool), states can identify:**

- Common provisions in their state laws that may inhibit electronic health information exchange (i.e., paper-only requirements, ink signature requirements).
- Existing state laws that address electronic health information exchange.
- Specific areas or statutes where states have commonalities in the privacy protections, especially for sensitive types of health information (e.g., HIV/AIDS, mental health, substance abuse, STDs).

# HSPL States and the Roadmap

## Kansas Experience

- 2004–2007: Governor’s Health Care Cost Containment Commission (H4C)
- 2006–Current: HISPC
  - Harmonizing State Privacy Law Collaboration
  - Consumer Education Collaboration
- 2007–2008: Governor’s Health Information Exchange Commission
- 2008–Current: Kansas Health Policy Authority  
E-Health Advisory Council
- Variety of HIE activities occurring within the state

# HSPL States and the Roadmap

## Kansas Experience, continued

- Legal Working Group Findings
  - Approximately 180 statutes and regulations involving the collection, use, or disclosure of personally identifiable health information.
  - Scattered across numerous articles of the Kansas statutes and numerous state agencies.
  - Senate resolution "Urging Review, Modification and Reorganization of Laws Pertaining to the Maintenance and Availability of Health Information" passed March 19, 2009.

# HSPL States and the Roadmap

## Kentucky Experience

- Legal Working Group reviewed reform options in late 2007 as part of HISPC
  - Focused on facility licensure regulations.
  - Specific recommendations approved.
  - Regulatory amendment language drafted.
  - Presented to E-Health Network Board.
- Change in executive branch administration and party in 2008
  - Reconfiguration of e-health initiatives.
  - Significant changes in leadership.

# HSPL States and the Roadmap

## Kentucky Experience, continued

- HSPL activities
  - Convened remaining Legal Working Group members.
  - Distributed a populated CAM section focusing on HISPC-era priorities and requested ranking.
  - Responses confirmed ongoing priority status of these areas.
  - HSPL participants continue to report on request at monthly meetings of E-Health Network Board.

# HSPL States and the Roadmap

## Michigan Experience

- Since originally convening, the Legal Working Group's priorities shifted based on an increased understanding of the fundamental principles surrounding the privacy and security of HIE.
- Michigan saw legislation as a great way to draw attention to the criticality of HIE, but found that the process might have unintended consequences and used workarounds to reach goals.
- ARRA tackled many issues of concern that the Legal Working Group had identified.

# HSPL States and the Roadmap

## Missouri Experience

- Missouri joined HISPC in Phase III.
- Tough to be the “new kid”
  - Most veteran states have legal expertise on staff (Missouri used volunteers and consultant).
  - Veteran participants had been engaged with state privacy and security law for more than 2 years.
  - Veteran participants shared a history of working together to identify issues of common interest and had built trust among the group.

# HSPL States and the Roadmap

## Missouri Experience, continued

- Lessons Learned:
  - Never underestimate the value of building relationships and trust among your collaborators.
  - You can learn a great deal about effective ways to move forward from the veteran states.
  - Take advantage of HSPL's offer to provide consultation as you work with the process.
  - Missouri thanks its sister states!

# HSPL States and the Roadmap

## New Mexico Experience

- Despite past attempts to pass HIE/EHR legislation, the majority of stakeholders were not aware of the significance of legislation in facilitating the HIE or the role that lack of legislation played in creating barriers to an HIE.
- The Assessment Tool process allowed us to ensure that stakeholder voices were not only heard, but acknowledged.

# HSPL States and the Roadmap

## **New Mexico Experience, continued**

- Without a knowledgeable HSPL team and an adaptable written Assessment Tool process, the review of statutes would have been an ad hoc theoretical dialog as opposed to an educational and proactive legislative meeting.
- During the 2009 Legislative Session, New Mexico passed the Electronic Medical Records Act providing for the exchange of electronic health information.

# HSPL States and the Roadmap

## Texas Experience

- Privacy statutes found in almost every code.
- Statutes tend to be detailed and specific.
- Analysis revealed:
  - Conflicts between and within state codes as well as between state and federal statutes.
  - Same subject was addressed in more than one code.
  - Inconsistent definitions for some key terms.
  - Application of provisions not always clear.

# The Tools: CAM

## Comparative Analysis Matrix (CAM)

- 150 subject matter areas
- Consistent and structured “map” topics
- Organizational framework
- Patient care and population health

# The Tools: CAM

	A	B	C	D	E
1	<b>Combined Comparative Analysis Matrix (CAM)</b>				
2			<b>More Stringent than HIPAA for</b>		
3	<b>Subject Matter</b>	<b>Citation/ Link</b>	<b>Patient Care?</b>	<b>Population Health?</b>	<b>References to Related State/ Federal Law &amp; Legislative Proposals</b>
118		NM: <a href="#">health care information NMSA 1978 § 24-7B-10</a>	N	N	
119	Age Consent requirements - other conditions	FL: FS 743.06 Blood Donation, FS 743.065 Care of minor child	N	N	
120		TX: <a href="#">Fam Code 32.002-004</a>	Y		
121		KY: <a href="#">KRS 214.185</a> ; <a href="#">KRS 222.441</a>	N	N	
122		KS: <a href="#">38-122</a>			
123		MI: <a href="#">Public Health Code (MCL 333.17015: Informed consent for abortion)</a> <a href="#">Marriage License (MCL 551.103: Persons capable of contracting marriage; age requirement; etc.)</a>			
124		MO: <a href="#">431.061</a>			
125	<b>Patient Proxies</b>				
126	Personal Representatives/Executors	FL: FS 731.201(27)	N	N	
127		TX: <a href="#">Various Probate and HR Code sections</a>	Y		
128		KY: <a href="#">KRS 395 passim</a>	N	N	
129		KS: <a href="#">58-654</a>			
130		MI: <a href="#">Medical Records Access Act (MCL 333.26263: Definitions)</a>			
131		MO: <a href="#">473.110</a> , <a href="#">473.113</a> , <a href="#">473.117</a>			
132	Guardians	FL: FS Ch. 744	N	N	
133		TX: <a href="#">Various sections of Human Resources Code</a>	Y		
134		KY: <a href="#">KRS 387.590 (10)</a>	N	N	
135		KS: <a href="#">59-3075</a>			
136		MI: <a href="#">Medical Records Access Act (MCL 333.26263: Definitions)</a>			
137		MO: <a href="#">475.075</a> , <a href="#">475.082</a> , <a href="#">475.120</a> , <a href="#">630.140</a> , <a href="#">632.175</a>			
138	Health Care Power of Attorney	FL: FS Ch. 765	N	N	
139		TX: <a href="#">H&amp;S Code 166</a>	Y		
140		KY: <a href="#">KRS 311.629</a>	N	N	
141		KS: <a href="#">58-625</a>			
142		MO: <a href="#">404.840</a>			
143		MI: <a href="#">Estates and Protected Individuals Code (MCL 700.5501: Durable Power of Attorney; definition)</a>			
144		NM: <a href="#">NM Uniform Health Care Decisions Act NMSA 1978 § 24-7A-1 et seq.</a>	N	N	

# The Tools: Assessment Tool

## The Assessment Tool (AT)

- Clarifies priorities and feasibility for needed changes.
- Allows focus on:
  - Specific subject matter areas.
  - Crosscutting subject matter areas.
- Can be used in different venues
  - Conference calls.
  - Face-to-face meetings.

# The Tools: Assessment Tool

**The Assessment Tool (AT) consists of the five areas of measurement:**

1. Facilitates HIE development
2. Ease of reaching consensus
3. Positive impact on patient-focused health care
4. Positive impact on population health
5. Effect on consumer privacy protection

# The Tools: Assessment Tool Metrics

## Facilitates HIE Development

- In this assessment, the stakeholder group should assess whether a change in the identified statute or regulation would make it more likely that a health information exchange would become operational and able to effectively exchange health information within the state.

1=Little Effect

2=Neutral

3=Significant Effect

# The Tools: Assessment Tool Metrics

## **Ease of Reaching Consensus Among Stakeholders** (e.g., cultural/regional attitudes, economic impact, non-state after-effects)

- In this assessment, the stakeholder group should assess the ease of achieving a change in the identified statute. How difficult or easy will it be to reach consensus among stakeholders for the change in order to implement HIE development and remove existing barriers?

1=Difficult to change

2=Neutral

3=Easy to change

# The Tools: Assessment Tool Metrics

## Positive Impact on Patient-Focused Health Care

- Patient-focused care is defined as care that takes into consideration the values and preferences of the patient. It enables the transformation to higher-quality, more cost-efficient, patient-focused health care through electronic health information access and use by care providers and by patients and their designees. In this assessment, the stakeholder group should assess whether a change in the identified statute or regulation would make it more likely that patient-focused health care in the state would be improved as a result of the change.

1=Little Effect

2=Neutral

3=Significant Effect

# The Tools: Assessment Tool Metrics

## Positive Impact on Population Health

- Enable the appropriate, authorized, and timely access and use of electronic health information to benefit public health, biomedical research, quality improvement, and emergency preparedness. In this assessment, the stakeholder group should assess whether a change in the identified statute or regulation would make it more likely that population health would be improved within the state.

1=Little Effect

2=Neutral

3=Significant Effect

# The Tools: Assessment Tool Metrics

## Effect on Consumer Privacy Protection

(maintains appropriate consumer privacy protection)

- Consumer/patient privacy protection, the basic rights of individuals include: (1) the right to have your health information safe and secure, (2) the right to be informed about disclosure of your health information, and (3) the right to choose who receives your health information. In this assessment, the stakeholder group should assess the effect of a change in the identified statute or regulation on consumer privacy protection in the state.

1=Reduces consumer privacy protection

2=Neutral

3=Enhances consumer privacy protection

# Engaging Stakeholders with the Roadmap

## Convening Stakeholders

- Mission and vision
- Consensus, not universal agreement
- Small steps to build trust
- Neutrality
- Address knowledge gaps
- Periodically reassess progress

# Engaging Stakeholders with the Roadmap

## Outreach Strategies

- Educating and informing stakeholders
- Identification of commonalities and gaps
- Consensus building

# Engaging Stakeholders with the Roadmap

## Engaging Stakeholders in the Legislative Process

Know your state's:

- Legislative session and schedule
- Deadlines for bill filing
- Other significant legislative dates
- Party leaders
- Committees and chairs

# Engaging Stakeholders with the Roadmap

## Educate and Inform Key Stakeholders

- Employees of the state agencies, health and human services agencies
- Licensing agencies
- Technology agencies

# Results/Observations

## HSPL States Shared Gaps

- Standards for access to information in emergencies
- “Universally” accepted patient authorization

# Results/Observations

- Analysis: engage legal experts.
- Ranking prioritization: stakeholder inclusion and communications.
- Considerations: core law.
- Greater benefits from use of tools by more states.
- The Roadmap, CAM, and Assessment Tool are dynamic and useful tools.
- Interactive session follows use of the CAM and Assessment Tool.



# Results/Observations

## HSPL States Shared Priorities

- Core law for addressing the use and disclosure of electronic health records (EHR) and health information exchange (HIE)
- Definitions of new and evolving terminology related to electronic health records

# Core Elements of Electronic Health Records Law: Purposes of Core Law

- Adopt nationally recognized standards for use and disclosure of EHRs and HIE.
- Identify legal health record.
- Adopt standard definitions for evolving terminology.

# Core Elements of Electronic Health Records Law: Purposes of Core Law

**HIE definitions may be challenged by continual evolution of technology and usage in the industry**

- Electronic medical record—EMR
- Health information technology—HIT
- Health information exchange—HIE
- Electronic health record—EHR
- Electronic personal health record—EPHR
- Personal health record—PHR

# The Florida Experience

- In Florida, the CAM was the "go to" source while work was in progress this past year on the Medicaid HIE contract.
- The information in the CAM helped answer questions that laid the foundation for policy decisions.
- The CAM made it easier to share information with members of the team from other units of the agency.

# The Florida Experience, continued

- The process was an opportunity to educate stakeholders.
- Allowed us to gain a better understanding of how our stakeholders viewed issues surrounding HIE/EHR legislation.
- Once the playing field was acknowledged, we were able to adapt tools to ensure that stakeholders were heard and that they understood the importance of legislation and which areas could be addressed.

# Expanding the CAM – The Crosswalk

**Purpose of the Crosswalk:** to create a searchable database where anyone can search for state laws related to privacy and HIE.

## Joint Project with Provider Education Collaborative

- Dual purpose
  - Education
  - Analysis
- Users
  - Providers
  - Professional associations
  - Policy analysts

# Crosswalk

## Goals for Analytical Tools

- In 2008, the HSPL surveyed resources on state health record laws and identified best practices.
- Best practices guided the development of the Comparative Analysis Matrix, Assessment Tool, and Crosswalk.

## Goals for Analytical Tools

### *Best Practices*

- User orientation
- Purposeful comprehensiveness
- Simple navigation and maintenance
- Facilitates problem solving

# Crosswalk

- Public Web tool that allows entry of key words (minors, consent, electronic signatures etc.) to retrieve relevant health information exchange state and federal laws (HIPAA, ARRA).
- Crosswalk Tool database uses the state's Comparative Analysis Matrix (CAM).

# Crosswalk

## Crosswalk Tool

- Retrieves information presenting state (Florida) and federal laws side-by-side with user selecting either to view:
  - Patient care
  - Population health
- Can search by key words or CAM subject matter categories

# Crosswalk

## Crosswalk Tool

- Highlights if state law (Florida) is more stringent—more privacy or security requirements than HIPAA or other federal law.
- Includes notated citations as contained in CAM.
- Provides Internet links to Florida Administrative Code, statutes, and federal law/regulations.

# Crosswalk

## Crosswalk Maintenance

- Key words can be added and linked to CAM major subject matter categories.
- Links will need to be periodically checked and updated.
- Revised or additional materials loaded into database.

# Crosswalk: Homepage



## HIPAA - State Law Crosswalk Search Site

Home

Search

Administrative Screens

Help

This site is designed to assist individuals in identifying and becoming aware of the applicable requirements of the federal privacy regulations arising from the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and of Florida state law. The search tool assists individuals in identifying and becoming aware of the applicable requirements of both HIPAA and Florida law with regard to the use and disclosure of protected health information.

The information on this site is only intended as general summary information that is made available to the public. It is **not** intended to provide specific legal advice or take the place of either written law or regulations. This site does **not** substitute for legal guidance. Please read the full [disclaimer and terms of use](#) before using this site.

Please see the Help pages for more information about using the site and about its purpose.

Search for Information

For more information on using this site, please contact: [Crosswalk Support Team](#).

# Crosswalk: Search Screen – Used by General Public



## HIPAA - State Law Crosswalk Search Site

Home

Search

Administrative Screens

Help

STEP 1: Select the records set(s) to include in your search:

Patient Care (only)  Population Health / Research (only)  Include Both

The record type sets the records to include in the search.

STEP 2: Select one of the three approaches below to find a term or keyword

All searches use the terms and keywords from the CAM.

Enter a word/term and search for matches in the keyword list.

Select a subject category from a list of categories.

View a list of all terms in alphabetical order.

STEP 3: Select a keyword from the grid below:

For more information on using this site, please contact: [Crosswalk Support Team](#).

# Crosswalk: Word/Term Search

01105953AL141594 1044111144  
0000110000111111111111111111111111

## HIPAA - State Law Crosswalk Search



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Logged in as FDHC

**STEP 1: Select the records set(s) to include in your search:**

Patient Care (only)  Population Health / Research (only)  Include Both

**STEP 2: Select one of the three approaches below to find a term or keyword**

Enter a word/term and search for matches in the keyword list.

hospital

Find Matches

Select a subject category from a list of categories.

View a list of all terms in alphabetical order.

**STEP 3: Select a keyword from the grid below:**

	Key Term	
<a href="#">Select</a>	Hospital Lab	
<a href="#">Select</a>	Hospitals	
<a href="#">Select</a>	State Hospitals	

# Crosswalk: Subject Category Search



## HIPAA - State Law Crosswalk Search S

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**STEP 1: Select the records set(s) to include in your search:**

Patient Care (only)  Population Health / Research (only)  Include Both

**STEP 2: Select one of the three approaches below to find a term or keyword**

Enter a word/term and search for matches in the keyword list.

Select a subject category from a list of categories.

Minors

**View a list of all terms in alphabetical order.**

**STEP 3: Select a keyword from the grid below:**

	Key Term	Term Scope
<a href="#">Select</a>	Age of Consent Requirements - Mental Health	KEYWORD
<a href="#">Select</a>	Age of Consent Requirements - Other Conditions	KEYWORD
<a href="#">Select</a>	Age of Majority	KEYWORD
<a href="#">Select</a>	Emancipated Minors	KEYWORD

# Crosswalk: All Terms Search

**STEP 2: Select one of the three approaches below to find a term or keyword**

Enter a word/term and search for matches in the keyword list.

Select a subject category from a list of categories.

View a list of all terms in alphabetical order.

The box below shows all search terms in alphabetical order.

Hospitals

**STEP 3: Select a keyword from the grid below:**

	Key Term
Subject Category	Facility Specific Provisions
<a href="#">Select</a>	Hospital Lab
<a href="#">Select</a>	School-based clinics
<a href="#">Select</a>	Imaging labs and centers
<a href="#">Select</a>	Testing and clinical labs
<a href="#">Select</a>	Assisted living facilities, nursing homes, & skilled nursing facilities
<a href="#">Select</a>	Drug & alcohol treatment facilities
<a href="#">Select</a>	Rehabilitation facilities
<a href="#">Select</a>	Home health agencies
<a href="#">Select</a>	Hospice
<a href="#">Select</a>	Hospitals

Show Results

# Crosswalk: Select a Term

**STEP 2: Select one of the three approaches below to find a term or keyword**

Enter a word/term and search for matches in the keyword list.

Select a subject category from a list of categories.

View a list of all terms in alphabetical order.

The box below shows all search terms in alphabetical order.

Hospitals 

**STEP 3: Select a keyword from the grid below:**

	Key Term
Subject Category	Facility Specific Provisions
<a href="#">Select</a>	Hospital Lab
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<a href="#">Select</a>	Assisted living facilities, nursing homes, & skilled nursing facilities
<a href="#">Select</a>	Drug & alcohol treatment facilities
<a href="#">Select</a>	Rehabilitation facilities
<a href="#">Select</a>	Home health agencies
<a href="#">Select</a>	Hospice
<a href="#">Select</a>	<b>Hospitals</b>

**STEP 4: Click the button to see statutes >>>>>>**

Show Results



# Crosswalk: Results for Hospitals – Florida Law More “Stringent”

STEP 3: Select a keyword from the grid below:

	Key Term
Subject Category	Facility Specific Provisions
<a href="#">Select</a>	Hospital Lab
<a href="#">Select</a>	School-based clinics
<a href="#">Select</a>	Imaging labs and centers
<a href="#">Select</a>	Testing and clinical labs
<a href="#">Select</a>	Assisted living facilities, nursing homes, & skilled nursing facilities
<a href="#">Select</a>	Drug & alcohol treatment facilities
<a href="#">Select</a>	Rehabilitation facilities
<a href="#">Select</a>	Home health agencies
<a href="#">Select</a>	Hospice
<a href="#">Select</a>	<b>Hospitals</b>

STEP 4: Click the button to see statutes >>>>>>>

Show Results

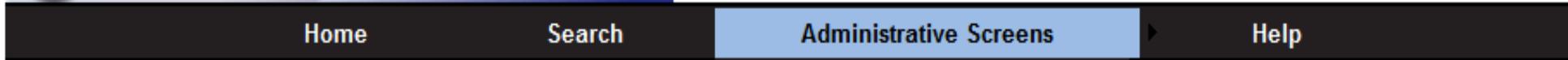
	Related Federal Laws
<a href="#">Select</a>	42 CFR 416.47 Medicare COP - ASC
<a href="#">Select</a>	42 CFR 482.24. Medicare COP - Hospitals
<a href="#">Select</a>	45 CFR 164.506 Uses and disclosures to carry out treatment, payment, or health care operations
<a href="#">Select</a>	45 CFR 164.512 Privacy of Individually Identifiable Health Information. Uses and disclosures for which an authorization or opportunity to agree or object is not required. See section (a) paragraph (1) and section (b) paragraph (1) for information specific to abortion reporting.

	Related State Statutes
<a href="#">Select</a>	395.3025 F.S. Patient and Personnel Records. Hospitals are implied for record ownership. See paragraph (4) for patient authorization requirements. See paragraph (4) subparagraph (f-m) for reporting to other state agencies.
<a href="#">Select</a>	59A-3.270 F.A.C. Information for Hospitals (Click on Word icon on web page to see F.A.C. text) Paragraph (1) is specific to patient records and confidentiality.
<a href="#">Select</a>	59A-5.012 F.A.C. (Click on WORD icon to see text.) Ambulatory Surgery Centers

# Administrative Screens: Four Levels of Maintenance – Keywords, Statutes, Sources, and Relationships



## HIPAA - State Law Crosswalk Search Site



Logged in as FDHC\comb

### Manage Statutes

Find:

- Administrative Screens
- Manage Keywords
- Manage Statutes
- Manage Sources
- Manage Relationships

# Administrative Screen: Manage Keywords

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Administrative Screens

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Logged in as F

## Manage Keywords

Find words using the search box...

Search:

Find Matches

Clear all searches

	KeyWord	Relationship	Last Updated	Updated By
<a href="#">Select</a>	Abuse & neglect	KEYWORD	3/18/2009	AHCA ADMIN
<a href="#">Select</a>	Accounting for disclosures	KEYWORD	2/7/2009	AHCA ADMIN
<a href="#">Select</a>	Administrative penalties for wrongful disclosure	KEYWORD	3/18/2009	AHCA ADMIN
<a href="#">Select</a>	Adult mental health	KEYWORD	4/19/2009	AHCA ADMIN
<a href="#">Select</a>	Adult wards of the state	KEYWORD	2/26/2009	AHCA ADMIN
<a href="#">Select</a>	Age of Consent Requirements - Mental Health	KEYWORD	3/18/2009	AHCA ADMIN
<a href="#">Select</a>	Age of Consent Requirements - Other Conditions	KEYWORD	3/18/2009	AHCA ADMIN
<a href="#">Select</a>	Age of Majority	KEYWORD	3/1/2009	AHCA ADMIN
<a href="#">Select</a>	Alcohol addiction	KEYWORD	3/14/2009	AHCA ADMIN
<a href="#">Select</a>	Assisted living facilities, nursing homes, & skilled nursing facilities	KEYWORD	2/7/2009	AHCA ADMIN
<a href="#">All - A B C D E F G H I J K L M N O P Q R S T U V W X Y Z</a>				

or use the alpha listing based on the word's first letter.

Add new Keyword

# Administrative Screen: Manage Statutes; Select the Type of Statute to View



## HIPAA - State Law Crosswalk S

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### Manage Statutes

Select a Federal or State Source

- Select a Federal or State Source
- CFR - HIPAA
- FLORIDA ADMINISTRATIVE CODE
- FLORIDA CONSTITUTION
- STATE STATUTE**
- U.S. CODE

Using this site, please contact: [Crosswalk Support Team](#).

# Statute Display

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Logged in as FDH

## Manage Statutes

Statutes are displayed by statutory reference number or title.

STATE STATUTE

Find:

Search

Clear search results

	Title	Comments	Record Type
<a href="#">Select</a>	1002.22 F.S.	School Health Records - see paragraph (3)(d)(9). School based clinics - see paragraph (2)(c)(4). Generally exempts certain specific treatment records from being classified as educational records. Care must be taken in reviewing these records as "educational records" are not covered by HIPAA.	Patient Health
<a href="#">Select</a>	110.1091 F.S.	State employees : Employee assistance programs; public records exemption	Patient Health
<a href="#">Select</a>	119 F.S.	Public records	Patient Health
<a href="#">Select</a>	119.071 F.S.	Agency Personnel Records - Social Security Numbers. See paragraph (4) sub-paragraph (a), section (i).	Patient Health
<a href="#">Select</a>	125.585 F.S.	County employment : Employee assistance programs; public records exemption	Patient Health
<a href="#">Select</a>	163.62 F.S.	Collaborative client information systems	Patient Health
<a href="#">Select</a>	166.0444 F.S.	Municipalities : Mandatory screening or testing for sickle-cell trait prohibited	Patient Health

# Manage Relationships: View Statutes Related to Keywords; Set the Stringency Level

## Manage Relationships

Search:

	Keyword	Subject Category
<a href="#">Select</a>	Abuse & neglect	Law Enforcement
<a href="#">Select</a>	Accounting for disclosures	Health/Medical Records - General
<a href="#">Select</a>	Administrative penalties for wrongful disclosure	Penalties / Remedies
<a href="#">Select</a>	Adult mental health	Health Conditions/Situation Specific Provisions
<a href="#">Select</a>	Adult wards of the state	Health Conditions/Situation Specific Provisions
<a href="#">Select</a>	Age of Consent Requirements - Mental Health	Minors

# Select a Keyword and See the Related Statutes.

You can view those related to patient records, population health, or both.

## Manage Relationships

Patient Records  Population Health  Both

You may select a statute that is more stringent than HIPAA for patient care and/or population health.

[Return to List](#)

### Statutes related to Assisted living facilities, nursing homes, & skilled nursing facilities

ID	SourceDesc	View	Title	More Stringent for Patient Records	More Stringent for Population Health	Comments
320	STATE STATUTE	<a href="#">View</a>	400.022 F.S.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Nursing Homes - Residents' Rights
321	STATE STATUTE	<a href="#">View</a>	429.28 F.S.	<input type="checkbox"/>	<input type="checkbox"/>	Assisted Care Facilities - Resident's Rights
313	CFR - HIPAA	<a href="#">View</a>	45 CFR 164.512	<input type="checkbox"/>	<input type="checkbox"/>	Privacy of Individually Identifiable Health Information. Uses and disclosures for which an authorization or opportunity to agree or object is not required. See section (a) paragraph (1) and section (b) paragraph (1) for information specific to abortion reporting.
322	FLORIDA ADMINISTRATIVE CODE	<a href="#">View</a>	59A-4.118 F.A.C.	<input type="checkbox"/>	<input type="checkbox"/>	Minimum standards for nursing homes

Save Changes

# Example: Patient Consent, Patient Care

STEP 1: Select the records set(s) to include in your search:

Patient Care (only)  Population Health / Research (only)  Include Both

STEP 2: Select one of the three approaches below to find a term or keyword

Enter a word/term and search for matches in the keyword list.

Select a subject category from a list of categories.

Consent or Authorizations

View a list of all terms in alphabetical order.

STEP 3: Select a keyword from the grid below:

	Key Term	Term Scope
<a href="#">Select</a>	Disclosure for emergency situations	KEYWORD
<a href="#">Select</a>	Patient authorization requirements	KEYWORD
<a href="#">Select</a>	<b>Patient consent requirements</b>	<b>KEYWORD</b>

# Example: Patient Consent, Patient Care

[Select](#) Patient consent requirements KEYWORD

Show Results

State statutes display on the right.

Federal statutes display on the left...

	Related Federal Laws
<a href="#">Select</a>	42 CFR 37.80(a) Public Health Services - Availability of Records Specifications for medical examinations for underground coal miners
<a href="#">Select</a>	42 CFR 431.306 Patient consent requirements in Medicaid
<a href="#">Select</a>	45 CFR 164.512 Privacy of Individually Identifiable Health Information. Uses and disclosures for which an authorization or opportunity to agree or object is not required. See section (a) paragraph (1) and section (b) paragraph (1) for information specific to abortion reporting.

## Related State Statutes

[Select](#) 311.004 F.S.  
HIV Testing : Paragraph (3) sub-paragraph (f) asserts that the identify of the person taking HIV test is confidential and cannot be revealed to anyone except by special provisions noted in the statute. See paragraph (6) for wrongful access to HIV and STD testing records.

[Select](#) 384.29 F.S.  
Confidentiality : Public Health -- Sexually Transmissible Diseases

[Select](#) 394.4615 F.S.  
Confidentiality of clinical records : Public Health - Mental Health

[Select](#) 395.3025 F.S.  
Patient and Personnel Records. Hospitals are implied for record ownership. See paragraph (4) for patient authorization requirements. See paragraph (4) sub-paragraph (f-m) for reporting to other state agencies.

[Select](#) 397.501 F.S.  
Rights of patients. See paragraph (7) section(a)(1) for Public Health - Substance abuse services. See paragraph (7) section (e)(1) for mental health age of consent requirements.

[Select](#) 456.057 F.S.  
See paragraph (7) sub-paragraph (a) for info on ownership of records. See also enhanced consent requirements for "sensitive conditions". See paragraph (7) sub-paragraph (a) section (5) for reporting of patient information without consent to regional poison control centers. See also 395.3025(4)(f-m) F.S. Ownership and control of patient records: Hospitals - see paragraph (1). See paragraph (11) for directive to record owners to set up policies and train employees on use. See paragraph (12) for accounting for

# Example: Patient Consent, Patient Care

<a href="#">Select</a>	Patient consent requirements	KEYWORD
Show Results		

State statutes that are stricter than the Federal are highlighted in yellow.

	Related Federal Laws
<a href="#">Select</a>	42 CFR 37.80(a) Public Health Services - Availability of Records Specifications for medical examinations for underground coal miners
<a href="#">Select</a>	42 CFR 431.306 Patient consent requirements in Medicaid
<a href="#">Select</a>	45 CFR 164.512 Privacy of Individually Identifiable Health Information. Uses and disclosures for which an authorization or opportunity to agree or object is not required. See section (a) paragraph (1) and section (b) paragraph (1) for information specific to abortion reporting.

	Related State Statutes
<a href="#">Select</a>	381.004 F.S. HIV Testing : Paragraph (3) sub-paragraph (f) asserts that the identify of the person taking HIV test is confidential and cannot be revealed to anyone except by special provisions noted in the statute. See paragraph (6) for wrongful access to HIV and STD testing records.
<a href="#">Select</a>	384.29 F.S. Confidentiality : Public Health -- Sexually Transmissible Diseases
<a href="#">Select</a>	394.4615 F.S. Confidentiality of clinical records : Public Health - Mental Health
<a href="#">Select</a>	395.3025 F.S. Patient and Personnel Records. Hospitals are implied for record ownership. See paragraph (4) for patient authorization requirements. See paragraph (4) sub-paragraph (f-m) for reporting to other state agencies.
<a href="#">Select</a>	397.501 F.S. Rights of patients. See paragraph (7) section(a)(1) for Public Health - Substance abuse services. See paragraph (7) section (e)(1) for mental health age of consent requirements.
<a href="#">Select</a>	456.057 F.S. See paragraph (7) sub-paragraph (a) for info on ownership of records. See also enhanced consent requirements for "sensitive conditions". See paragraph (7) sub-paragraph (a) section (5) for reporting of patient information without consent to regional poison control centers. See also 395.3025(4)(f-m) F.S. Ownership and control of patient records: Hospitals - see paragraph (1). See paragraph (11) for directive to record owners to set up policies and train employees on use. See paragraph (12) for accounting for

# Patient Health or Population Health Perspective

STEP 1: Select the records set(s) to include in your search:

Patient Care (only)  Population Health / Research (only)  Include Both

STEP 2: Select one of the three approaches below to find a term or keyword

Enter a word/term and search for matches in the keyword list.

Select a subject category from a list of categories.

Consent or Authorizations



# Show Statutes – Include Population Health and Exclude Records that Are Patient Health Only

	Related Federal Laws
<a href="#">Select</a>	42 CFR 51(b) 404 Confidentiality Requirements : Focus on grants for venereal disease control programs.
<a href="#">Select</a>	42 CFR 51(c) 110 Public Health Services - Confidentiality. Focus on grants for community health services.
<a href="#">Select</a>	42 CFR 51a.6 Focus on grants for maternal and child health : see paragraph (a) part 6 for what confidentiality requirements

	Related State Statutes
<a href="#">Select</a>	381.004 F.S. HIV Testing : Paragraph (3) sub-paragraph (f) asserts that the identify of the person taking HIV test is confidential and cannot be revealed to anyone except by special provisions noted in the statute. See paragraph (6) for wrongful access to HIV and STD testing records.
<a href="#">Select</a>	384.29 F.S. Confidentiality : Public Health -- Sexually Transmissible Diseases
<a href="#">Select</a>	385.202 F.S. Public Health - Chronic Diseases : Discusses state wide cancer registry
<a href="#">Select</a>	392.65 F.S. Confidentiality issues : Public Health - Tuberculosis Control
<a href="#">Select</a>	394.4615 F.S. Confidentiality of clinical records : Public Health - Mental Health
<a href="#">Select</a>	395.3025 F.S. Patient and Personnel Records. Hospitals are implied for record ownership. See paragraph (4) for patient authorization requirements. See paragraph (4) sub-paragraph (f-m) for reporting to other state agencies.
	395.404 F.S.

# Looking Ahead

## Identification, Reconciliation, Clarification, or Removal of Unique State Laws

- Many states have a series of antiquated, fragmented, and nonstandardized laws that may be interpreted to create a barrier to the appropriate exchange of electronic health information.
- States may use the CAM and Assessment Tool to assist in identifying areas of law that could be updated.
- A comprehensive reform would be a resource-intensive task in most states. States may wish to create and fund a task force or governance body to oversee such a comprehensive review.

# Looking Ahead: Future Work

## **Need for interstate collaboration in conjunction with federal support**

- Public health regulations
- Provider licensure for interstate emergency response capacity
- HSPL collaborative will disseminate and consult with other states
- Need for interstate collaboration in conjunction with federal support
- Include population health and public health regulations in analysis

# Looking Ahead

- Work with professional associations to encourage use
- Provide instructions to other states
  - Complete state CAM
  - Load Crosswalk Tool with CAM database

# Collaborative Participants

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# Thank You for Attending!

- Please visit <http://healthit.hhs.gov/HISPC> for full access to all of the products discussed today as well as information about the other HISPC collaborative products.
- Additional materials are being posted as they become available throughout the months of June and July.