

# WORKING DRAFT

## Questions to be addressed by a Health Information Exchange in Connecticut

The following questions have been assimilated by a ‘think tank’ of individuals listed on the last page of this document in order to help promote the discussion of issues to be addressed by any future Health Information Exchange in Connecticut. The individuals have identified common issues that Health Information Exchange organizations have addressed elsewhere and listed them below in order to begin the discussion here in Connecticut.

1. When opting out of sharing personal health information (PHI), will patients manage access to components of the chart, restrict access by providers, or opt out of sharing the entire PHI?
2. Will patients be informed of how their PHI will be used?
3. How will patients be informed of how their PHI will be used?
4. Will a Health Information Exchange in Connecticut develop and maintain education materials?
5. What type of Privacy and Security toolkit education materials will a Health Information Exchange in Connecticut develop?
6. What languages will a Health Information Exchange in Connecticut support?
7. How will a Health Information Exchange in Connecticut monitor and report privacy breaches?
8. Who will be responsible for medical records release requests?
9. How long will a Health Information Exchange in Connecticut house data for medical records release?
10. If a Health Information Exchange in Connecticut responds to medical records releases, what happens when a facility no longer participates in the health information exchange (HIE)?
11. Who will provide first tier support for questions related to the handling of PHI by a Health Information Exchange in Connecticut?
12. Who will provide second tier support for questions regarding the handling of PHI by a Health Information Exchange in Connecticut?
13. Who will be the ‘covered entity owner’ of the Health Information Exchange data? Will a Health Information Exchange in Connecticut be covered entity or Business Associate of all connected covered entities?
14. Who will manage requests for secondary use of data accessible through the Health Information Exchange?

15. Can facilities participating in the Health Information Exchange exclude their data from reports on an individual report basis?
16. What accounting of PHI disclosure will be required? If a Health Information Exchange in Connecticut is a Business Associate, not a Covered Entity, do same laws apply?
17. What information does a Health Information Exchange in Connecticut have to provide to patient upon request?
18. What processes must a Health Information Exchange in Connecticut follow in the event of wrongful disclosure of PHI?
19. Will patients be charged to view or receive a copy of their PHI from a Health Information Exchange in Connecticut?
20. How often can patients request a copy of their PHI from a Health Information Exchange in Connecticut for free? For a fee?
21. Who do patients contact to receive a copy of their PHI?
22. How long will it take for a Health Information Exchange in Connecticut to provide PHI to a patient requesting a copy?
23. How does a patient correct any errors in their PHI?
24. What type of personal data will be included in the PHI? Will there be limits on the type of data that will be included/ collected?
25. Will demographic data be disclosed with the consent of the patient?
26. May patients request an accounting of the disclosures of their PHI (including those who accessed their data)?
27. May a patient's information be sold? Under what circumstances? Patient notification?
28. May de-identified data be used for approved quality improvement or patient safety initiatives?
29. What is a Health Information Exchange in Connecticut's liability to assure a patient's data is accurate? Secure?
30. What legal and financial remedies will be available to patients should there be inappropriate disclosure, inaccurate info, etc. in a PHI?
31. How will a Health Information Exchange in Connecticut's Health Information Exchange systems be Compatible with VNA? Medicare? Medicaid? State programs? Military Health?
32. Will PHI be available for patient care when a person is out of state (e.g. patient spending winter in Florida)?
33. What types of training/ educational materials will a Health Information Exchange in Connecticut provide for Health Information Exchange providers?
34. What types of training/ educational materials will be available for advocates & community groups?
35. What types of training/educational materials will be available for policy makers (e.g. legislators)?
36. Does the provider see when the patient has opted out for a portion of their PHI (e.g. does he/she still see name but components of PHI the patient has selected to keep private)?

37. What happens if a patient opts out completely and the provider searches for the name, will the provider see a name and notification that they have opted out?
38. Payment for release of PHI to the patient if a Health Information Exchange in Connecticut charges a fee- Are there different rules for Medicaid patients?
39. What type of audit log will a Health Information Exchange in Connecticut maintain? For how long?
40. How long will a Health Information Exchange in Connecticut maintain audit log data
41. Will a Health Information Exchange in Connecticut have a 'break the glass' policy that allows you to view data for unconscious patients?
42. What happens when we have a provider that breaches PHI? Do we have escalating penalties (economic vs. removing access)? Who would own that process? Nurses and staff associated with that provider?
43. What types of role based access user profiles will a Health Information Exchange in Connecticut support (e.g. users providing direct patient care vs. quality improvement)?
44. Is a Health Information Exchange in Connecticut a mandated reporter for child abuse, other reportable issues?
45. Law enforcement: Should we only respond to those we are required to respond vs. individual policeman requests?
46. What happens when a Health Information Exchange in Connecticut has to respond to a change in state or federal law that requires a technology solution change?
47. Will a Health Information Exchange in Connecticut provide a helpdesk hotline to support the patients? For providers? Grievances?
48. CMS Privacy Liaison--- Do we need to include him/ her in the Privacy and Security meetings moving forward?
49. How do we connect to Office of Civil Rights campaign? Work with them to balance the message?
50. Will providers (primary care providers and specialists) be able to import medications into their local electronic medical record or database? What is a Health Information Exchange in Connecticut's liability if the import occurs incorrectly, resulting in a medical error that harms the patient?

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