

HISPC Privacy & Security Workgroup Meeting
Thursday, October 4, 2007 10:00AM-12:00PM

In attendance:

*Elissa Bassler, Illinois Public Health Institute (project team)
Patrick Gallagher, Illinois State Medical Society
Kathy Karsten, Illinois Public Health Institute (project team)
Anne Mahalik, Illinois Department of Human Services
Ted Nodzanski, Illinois Hospital Association
Marilyn Thomas, Illinois Dept. of Public Health (project team)
Nadine Zabierek, Blue Cross Blue Shield
*Moderator

Not present:

Ellen Brull, Illinois Academy of Family Physicians
Jeff Johnson, Illinois Dept. of Public Health (project team)
Julie Bryant, Northwestern Memorial Hospital
Dan Budny, Capitol Community Health Center
Rafael Diaz, State of Illinois Central Management Services
Carolyn Guthman, Consumer, AARP
Casey Kozlowski, Walgreens
Louis Lazovsky, Jewish Federation of Metropolitan Chicago/Midwest Business Group on Health
Robert Nadolski, The Alden Network/LTC
Fred Rachman, Alliance of Chicago Community Health Services
Joyce Sensmeier, HIMSS
Chase Zaputil, Supervalu

Note: Due to a personal emergency, Jeff Johnson was unable to moderate this meeting. Elissa Bassler of the Illinois Public Health Institute substituted for him on the call. The meeting was convened by Elissa Bassler at 10:05AM. The minutes from the Sept. 21 meetin were motioned for adoption and approved by the group. Elissa then commenced a review of the "Draft Recommendations on Privacy and Security Policies" document. Generally group members felt the draft was a good start, especially given the difficulty of some of the background materials (i.e. UT), and thought that because the issue is so complicated, shortening the document at the outset was a good approach. A participant wanted to know if the draft was based on the "Connecting for Health Common Framework" model contract; Elissa and Kathy Karsten replied that they were not sure, but would find out from Jeff Johnson.

Elissa led the group through the document section by section and incorporated comments into a Track Changes version of the draft. The issues discussed in each area were as follows:

Philosophy: The potential role for entities in patient education; notice to patients on how their rights are protected; the dilemma of giving a guarantee that data breaches won't happen, but legal issues remain if they do; the difficulty of giving a remedy to a potential breach in a high-level document. Several group members felt that as strong a statement as possible should be included without making any guarantee. Elissa and Marilyn Thomas noted that the Legal workgroup will deal with specifics in their materials.

Patient rights vis-à-vis privacy and information security: Some group members thought a notice to patients should go in this section. The group agreed that the language phrasing should include that “patients have a right to regular and periodic notice of security”, or similar wording (i.e. like credit cards). This notice would come from the HIE, not providers, as group members felt patients would rather just get one notice than many from several doctors. Team members had additional questions about the opt-out concept and the nature of the HIE’s relationship to HIPAA. A participant advocated for more specificity to add value to the document and build trust with the public document; others agreed but wanted to consult the Legal workgroup for advice in this area.

Protection of caregiver information: The group felt this section was important, since providers need to trust the HIE too in order for it to be viable. Two participants agreed to draft a document addressing the uses of provider information in the HIE, e.g. “blame free” uses; the information is for improving treatment and protecting the public’s health, not for litigation, enforcement, or discipline.

Action: Ted Nodzenski & Pat Gallagher to develop proposal offline for group consideration.

Researchers: The group thought this section required further clarification. Questions were asked about who counts as a researcher, and what data would be identified/de-identified. A participant also noted that any released information should also not be re-disclosed.

Rights of society, collection of information: The group agreed with the decision to remove both sections.

Retention and destruction; information privacy and security, accountability and responsibilities: Group members felt the HIE should have a strong sense of accountability for information privacy and security, with a policy stating state who is responsible for oversight and monitoring. Members felt that the position should also be accountable for ongoing compliance with policies.

Access to information, classification of information: The group thought that ‘access’ needed to be better delineated in these sections. Some thought the term was very broad, while others wondered what instances would require record-keeping (via system audit trail, disclosure, or other tracking of security violations, etc.) Others wanted to clarify who would provide training, the HIE or providers via contractual arrangements.

For other remaining sections, the group agreed with the previously noted changes by Jeff Johnson in the original document. Elissa asked participants and others unable to make the meeting to incorporate their recommendations in a ‘Track Changes’ MS Word version of document as soon as possible, and send them to Kathy for collation and distribution. The next meeting of the workgroup was proposed for Tuesday, October 16 at 10:00AM, which Kathy was to send out to the group via e-mail.

The meeting adjourned at 12:00PM.