

Health IT Advisory Council

December 19, 2019



Agenda

Agenda Item	Time
Welcome and Call to Order	1:00 pm
Public Comment	1:05 pm
Review and Approval of Minutes – November 21, 2019	1:10 pm
Review and Discuss the Updated Consent Design Group Guiding Principles	1:15 pm
<u>Council action:</u> Accept, Reject or Modify Updated Consent DG Recommendations	2:15 pm
Announcements and General Discussion	2:20 pm
Wrap up and Meeting Adjournment	2:30 pm

Welcome and Call to Order

Public Comment

(2 minutes per commenter)

Review and Approval of:

November 21, 2019 Meeting Minutes

Consent Design Group

Updated Guiding Principles

Michael Matthews, CedarBridge Group

Consent Design Group Guiding Principles

Recommendation 4

Original Language: A review of consent policy considerations should be conducted by appropriate subject matter experts for each HIE use case before an HIE use case is put into production, with a use case-specific consent policy developed if indicated from the review.

Proposed Updated Language: A review of consent policy considerations should be conducted for each HIE use case before an HIE use case is put into production, with a use case-specific consent policy developed if indicated from the review.

Recommendation 10

Original Language: Consistent with federal and state law, including but not limited to HIPAA, consent policies should require third-party vendors and contractors be contractually bound by Business Associate Agreements (BAAs) to publish privacy policies of any organization facilitating electronic health information exchange in Connecticut, and prohibit use or disclosure of patient information (including de-identified, anonymized or pseudonymized data) for any undisclosed purposes without express consent from the patient.

Proposed Updated Language: Third-party vendors and contractors supporting HIA, Inc. in its health information exchange activities should be contractually bound by HIA, Inc. to abide by the consent policies of HIA, Inc.

Alternative: Delete Recommendation 10

Consent Design Group Guiding Principles

Recommendation 17

Original Language: *Consent policies should require a consent decision is not used for discriminatory purposes or as condition for receiving medical treatment.*

Proposed Updated Language: *Consent policies should require a consent decision is not used for discriminatory purposes.*

Consent Design Group Guiding Principles

Recommendation 18

Transparency and stakeholder input are foundational to the development of meaningful consent policies. While the HIA, Inc. Board has responsibility for overall governance of its health information exchange services, consent policy development should be led by the Office of Health Strategy (OHS), and advised by the Health IT Advisory Council. The process proposed is as follows:

- a. The Health IT Advisory Council should draft, review and approve consent policies for the health information exchange that are conformant with these Guiding Principles and State and Federal law;
- b. The Health IT Advisory Council may choose to convene ad hoc or standing work groups to support consent policy development;
- c. Once consent policies have been endorsed by the Health IT Advisory Council, OHS should review the recommendations and determine any necessary statutory or regulatory actions that may be required;
- d. HIA, Inc. will be responsible for the implementation and maintenance of consent policies adopted by the State through OHS policy, statute or regulation;
- e. Should HIA, Inc. have concerns about any consent policies received from OHS, it may request a meeting with OHS to resolve those concerns; such resolution may require a review of proposed changes by the Health IT Advisory Council;
- f. All meetings of the Health IT Advisory Council are open to the public and the public is provided an opportunity to make comments at each meeting, including comments related to consent policies;
- g. All board meetings of the HIA, Inc. are open to the public; and
- h. Draft consent policies should be made available for a 30-day public comment period and a public hearing should be considered prior to approval by the Health IT Advisory Council and the Health IT Advisory Council should review and consider recommendations or comments from the public to determine whether revisions to policies should be made.

Consent Design Group Guiding Principles

Recommended Additional Guiding Principle:

Assessments should be made periodically to ensure patients understand their health information sharing choices.

Next Steps

- Affirmation of Guiding Principles by Health IT Advisory Council
- OHS will post Guiding Principles for public comment period
- OHS will compile and summarize public comments for Health IT Advisory Council to review
- Upon review, OHS will make recommended modifications
- OHS will monitor imminent release of final Information Blocking Rule

**Council Action: Accept, Reject, or Modify Updated
Consent Design Group Guiding Principles**
Council Members

Announcements and General Discussion

Allan Hackney, Council Members

Wrap up and Next Steps

Contact Information

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Health IT Advisory Council Website:

<https://portal.ct.gov/OHS/HIT-Work-Groups/Health-IT-Advisory-Council>