

# THINC RHIO, Inc.

Taconic Health Information Network and Community

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*Privacy and Consumer Affairs Committee Meeting  
February 26, 2009 11:00AM-12:00Noon*

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A meeting of the Privacy and Consumer Committee of the THINC RHIO, Inc. (THINC), a New York not-for-profit corporation (the “Corporation”), was held on February 26, 2009.

**Committee Members Present:** Paul Kaye, Norma Johnson, Lucy Pitaro, Steve Sarg.

**Non-Committee Members Present:** John Blair III, Dianne Koval, Helen Pfister, Susan Stuard, Allison Laquidara, Asha Upadhyay.

## **I. APPROVAL OF JANUARY 2009 MEETING MINUTES**

A motion was made, seconded to approve the January 2009 meeting minutes.

## **II. COMMITTEE UPDATE**

In an effort to spark discussion and receive feedback from the board, a final draft of the security breach policy will be submitted to the Board of Directors at the March 4<sup>th</sup> meeting. Evaluators from Weill Cornell Medical College conducted a consumer phone survey among Hudson Valley residents in 2008 regarding the attitudes to the Health Information Exchange (HIE) and Health Information Technology (HIT). Preliminary results are in and Weill Cornell is now able to circulate the findings openly with THINC. Evaluators will join our May meeting to discuss these findings.

## **III. REVIEW OF DRAFT AUTHORIZATION POLICY**

A first draft of the Authorization Policy was submitted to the committee for review and feedback. In drafting the policy the objective was to make the definitions and descriptions straightforward for the Hudson Valley residents to understand. The authorization policy applies to the medication management service and other activities for which the New York State Department of Health is going to require an additional consent. For example, for access to the medication history patients will have to give consent prior to the physician practice accessing the information. The committee agreed that the consent should be as articulate as possible making it a valuable consent opportunity for the patient.

As part of the RHIO’s security structure, the state requires minimally six role based categories and all users in the exchange have to be in a defined access role. THINC may expand on those six categories if it chooses. The committee agreed that the wording on the policy should be clarified and legal counsel at Manatt noted that the Statewide Collaboration Process was in the process of reviewing the RHIO policies and procedures and analyzing them compared to the new privacy protections in the Stimulus Bill. It was also suggested to include in the definitions on the last page of the policy examples of the practitioner roles as well as possibly listing them and to clarify the term “clinical information”.

The committee also discussed the process of access role assignment. How long is a reasonable time for review of assignments from participating organizations? It was determined this would have to be done operationally, not technically and language would be added to the policy giving participating organizations a time frame to notify THINC when removal of access is necessary. THINC would have the right to audit participating organizations as well as see an annual list of active access users. A re-draft of the policy will be presented to the committee for a second review at the next meeting.

#### **IV. UPDATE ON PRIVACY REQUIREMENTS IN THE FEDERAL STIMULUS BILL**

With the funding for HIT and HIE in the Stimulus Bill, Congress has also added new provisions to protect patient privacy. The U.S. Department of Health and Human Services must appoint a Chief Privacy Officer. The Statewide Collaborative Process has taken these new requirements under review to determine their alignment with New York State Privacy laws. A considerable change for Business Associates, they will now be directly regulated by HIPAA and must comply with aspects of both the Security and Privacy Rules.

The Bill also establishes a Federal data security breach notification law. While largely the same there may be small differences between the Federal and New York State requirements for security breach notification. Another significant change, covered entities must honor a patient's request not to share information with his or her insurer if the patient is paying full cost of the services. Additionally, covered entities maintaining electronic health records will be required to give patients copies of records in electronic form and provide audit trails for the prior three years. In regards to enforcement, the bill grants state's attorney generals the ability to bring civil actions under HIPAA and toughens the civil penalties. There will be more clarification on the Stimulus Bill provisions as the Statewide Collaborative Process completes their assessment.

There being no further topics for discussion, the meeting was adjourned at 12:05pm.