



TEXAS HEALTH SERVICES AUTHORITY

THSA Privacy and Security Task Force

Meeting Minutes

Date: 06/1/2011

Time: 10:00 a.m. –11:00 a.m. CST

In Attendance:

Task Force Members

Julie Adams Seton – Ascension Health	N	Carl Ahmed CA (Carl Ahmed) Associates	N	Archie Alexander Dept. of Health Administration - LSU/Shreveport	N
Norman (Skip) Best Covisint	N	Nestor Cromwell TDSHS	Y	Mirsa Douglass TDSHS	Y
James Gaston HIPAA Solutions, LC	N	Patricia Gray UH Law Center Health Law & Policy Institute	Y	Chris Guerrero TDSHS	Y
William Gross LabCorp	N	Tim Hanson TDSHS	Y	Travis Hanson West Texas Health Information Regional Extension Center	N
Charles Harrison ATCIC	Y	Eric Heflin Medicity	N	Jonathon Ishee Northwest Diagnostic Clinic & Access Health Providers	N
Radhika Iyer Computer Task Group	Y	Sheila Kelster THHSC	N	Diane Kenyon Harden Healthcare	Y
Ann Kitchen Health & Community Strategies	N	Bryan Law Texas House of Representatives	N	Jon Law Paseo del Norte HIE	N
Peter MacKoul HIPAA Solutions, LC	N	Meg Marshall Cerner	N	Kem McClelland Integrated Care Collaboration	Y
Matthew Murray Texas Medical Association	Y	Robert Myles UT Southwestern	Y	Deborah Peel Patient Privacy Rights	Y
Mark Peppard General Dentist	Y	Christy Rodgers Tenet Healthcare	N	Stanley See TDSHS	Y
Telly Shackelford Sandlot, LLC	Y	Camille Schaeffer ICA	N	Stew Urbach TDSHS	Y
Earnest Valle THHSC	N	LaDair Wright HHSC Medicaid/CHIP	Y		
<i>Others Attending</i>					
Ivy Bella THHSC	Y	Chrissy Borskey GE	Y	Andrea Cobb TMA	Y
Kathleen Costello THHSC	Y	Jocelyn Dabeau THSA	Y	Tony Gilman THSA	Y
Eleanor Latimer Performance Optimization Solutions	Y	Lillian Prince THSA	Y	Steve Roddy THSA	Y

Carole Tamayo ICC	Y	Merila Walker THHSC	Y	Belinda Weigand Anthelio Healthcare	Y
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Agenda Items

#	Item Name	Item Owner	Time Allotment
1	Welcome, Announcements, Review of Task Force Charter, Agenda Overview	Steve Roddy	10:00–10:10 a.m.

Presenter: Steve Roddy (THSA Assoc. Director of Policy and Planning)

2	Health Information Privacy Legislative Review	Steve Roddy	10:10–10:25 a.m.
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Presenter: Steve Roddy

Presentation and Discussion:

- Mr. Roddy provided a summary of the final status of HB 300 (Kolkhorst, et al./Nelson), 82(R) health information privacy legislation and an overview of elements of HB 300 including patient access to health records, sale of protected health information (PHI), notice and authorization requirements regarding electronic disclosure of PHI, audits of covered entities, privacy and security standards, covered entity certification, attorney general’s task force, and associated timelines.
- Members discussed legislative intent regarding continuity of care documents in relation to patient access to health records.
- It was noted that generally patients have the right to review their protected health information, but that HB 300 states that a provider is not required to grant a patient with access for information that is excepted or for which access may be denied under federal law.
- Discussion took place regarding making available a document summarizing final resolution of HB 300.

Participants: Steve Roddy, Charles Harrison, Deborah Peel, Robert Myles

A link to the PDF file conference committee report, conference committee side-by-side analysis, and fiscal note, and a link to the Enrolled version text of HB 300 as finally passed by the legislature will be posted on the task force’s shared wiki site.

3	Overview of <i>“Consent Options for Electronic Health Information Exchange in Texas”</i>	Steve Roddy	10:25–10:55 a.m.
<p>Presenter: Patricia Gray (University of Houston Health Law & Policy Institute)</p> <p>Presentation and Discussion:</p> <ul style="list-style-type: none"> Mr. Roddy introduced Patricia Gray, task force member and Director of Research and External Affairs at the University of Houston Health Law & Policy Institute, to provide an overview of the draft white paper, <i>“Consent Options for Electronic Health Information Exchange in Texas”</i>, produced by the Institute under contract with the Texas Health and Human Services Commission (HHSC). He reminded task force participants that the paper remains in draft form and asked that task force members not further distribute the paper while it remained in draft form. Ms. Gray indicated that a key element of a successful HIE is to balance patient privacy with the value of shared information, and she provided an overview of the paper’s analysis of five core consent models. She emphasized distinctions between “consent” and “authorization” and suggested that the approach to consent that Texas pursues will likely be a blend of elements of the basic models. Ms. Gray reviewed the paper’s examination of data segmentation as a tool for increasing the level of patient consent possible in HIE, and discussed the idea that there are many differing views on segmentation. Task force members discussed the implementation difficulties that segmentation raises from a research hospital’s perspective and questioned whether those concerns have been fully addressed; further study was suggested. Ms. Gray discussed the paper’s focus on secondary uses of PHI as an issue of particular concern for patients, and concluded her review by raising key policy questions identified in the paper. Professor Gray pointed out that Texas has an expanded definition of “covered entity”; that state law, if more stringent with respect to privacy requirements, generally prevails; and that, while HIEs are not considered covered entities under federal HIPAA, since HITECH considers HIEs to be business associates HIEs are treated in the same way as covered entities in that regard. Additionally, Ms. Gray agreed that HIEs are covered entities under Texas’ definition. <p><i>Participants: Steve Roddy, Patty Gray, Robert Myles, Deborah Peel, Mirsa Douglass, Tony Gilman, Jocelyn Dabeau, Charles Harrison</i></p> <p><i>“Consent Options for Electronic Health Information Exchange in Texas” will be posted on the task force shared wiki site for member access as a draft document.</i></p>			
4	Update on THSA Memorandum of Understanding (MOU) with HITRUST Alliance	Jocelyn Dabeau	10:55-11:00 a.m.
<p>Presenter: Jocelyn Dabeau (THSA Legal and Policy Analyst)</p> <p>Presentation:</p> <ul style="list-style-type: none"> Ms. Dabeau provided an update on the status of the THSA MOU with HITRUST Alliance for 			

collaboration in development of a potential security framework for Texas HIE based on HITRUST's Common Security Framework and Assurance Program.

- She explained that the MOU, still in development, outlines a process that includes identification of a project team of key Texas stakeholders to provide input on guidance for the protection of health information related to Texas HIEs and solicitation of additional stakeholder input through the THSA's governance model once draft guidance is developed.
- She indicated that HITRUST and the THSA would identify and evaluate key information security policies and requirements that could be applied to Texas HIEs and connecting organizations; help the THSA develop key reporting requirements to enable connecting entities to effectively and efficiently communicate compliance status; and facilitate coordination with applicable state and government efforts established to disseminate and communicate this type of information.

5	Future Meetings and Agenda Items; Other Items; Adjournment	Steve Roddy	11:00 – 11:05 a.m.
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Presenter: Steve Roddy

Discussion:

- Mr. Roddy reviewed the future task force schedule and reaffirmed that its next meeting is on June 29.
- He expressed intent to discuss staff findings regarding covered entities and to take up trust agreements at the next meeting, and asked if there were any other items members needed to discuss. None were identified.
- The meeting was adjourned.