



TEXAS HEALTH SERVICES AUTHORITY

## THSA Privacy and Security Task Force

*Meeting Minutes*

*Date: 07/27/2011*

*Time: 10:00 a.m. –11:04 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	Rebecca Bonds CTG Health Solutions	N	Nestor Cromwell TDSHS	N
Norman Dillon, Jr. Lifecare Hospital	Y	Mirsa Douglass TDSHS	Y	James Gaston HIPAA Solutions, LC	N
Deborah Giles SHI Government Solutions	Y	Patricia Gray UH Law Center Health Law & Policy Institute	Y	Chris Guerrero TDSHS	Y
William Gross LabCorp	N	Tim Hanson TDSHS	N	Travis Hanson West Texas Health Information Regional Extension Center	N
Charles Harrison ATCIC	Y	Eric Heflin Medicity	Y	Jonathon Ishee Northwest Diagnostic Clinic & Access Health Providers	N
Radhika Iyer Computer Task Group	N	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	Elena Marks Self	Y	Meg Marshall Cerner	N
Kem McClelland Integrated Care Collaboration	N	Matthew Murray Texas Medical Association	N	Robert Myles UT Southwestern	N
Deborah Norris HHSC	Y	Deborah Peel Patient Privacy Rights	N	Mark Peppard General Dentist	N
Christy Rodgers Tenet Healthcare	N	Yvonne Sanchez HHSC	Y	Stanley See TDSHS	Y
Telly Shackelford Sandlot, LLC	N	Camille Schaeffer ICA	N	Stew Urbach TDSHS	Y
Earnest Valle THHSC	N	John Ware HCA	N	LaDair Wright HHSC Medicaid/CHIP	N

#### *Others Attending*

Andrea Cobb TMA	Y	Jocelyn Dabeau THSA	Y	Tony Gilman THSA	Y
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Annie Nabers THSA	Y	Lillian Prince THSA	Y	Steve Roddy THSA	Y
Carole Tamayo ICC	Y	Merila Walker THHSC	Y		

### Agenda Items

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

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

- Mr. Roddy called the meeting to order, reminded members that the task force process is intended to be collaborative and invited participation, made announcements regarding meeting participation, inquired whether members had experienced difficulty accessing the task force shared Wiki site and utilizing the Attendance Tracker on the site, and requested that members record attendance using the Attendance Tracker. Patricia Gray indicated that she had difficulty utilizing the Attendance Tracker.
- Mr. Roddy advised the group that they would focus on two things: a draft model trust agreement developed by the THSA and the University of Houston Health Law and Policy’s Institute’s draft whitepaper on security issues. He noted that these items have been posted on the Wiki site.

2	<b>Overview and Discussion of Model Trust Agreement Elements</b>	<b>Jocelyn Dabeau</b>	<b>10:10–10:32 a.m.</b>
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**Presenter:** Steve Roddy, Jocelyn Dabeau

**Presentation and Discussion:**

- Mr. Roddy introduced Ms. Dabeau to discuss various elements of the model trust agreement and reminded task force members that the document is still a draft, asking them to refrain from distributing it until it is finalized. Ms. Dabeau advised members that this document will be significantly modified further, and invited questions and comments either during the conference call or via email.
- Ms. Dabeau asked members if, other than PHI, the group envisioned a need for a confidentiality clause so that participants could exchange other proprietary information. Ms. Gray suggested that in some cases financial information may need to be disclosed for purposes of determining benefit eligibility. Ms. Dabeau noted this potential use and suggested that a more narrowly tailored description of “confidential information” could potentially be used to maintain the confidentiality of this information without exposing members to a higher potential for contamination from an unbounded definition of confidential information..
- Ms. Dabeau mentioned that the trust agreement should include requirements regarding the levels and types of insurance participants and vendors should be required to maintain. Ms. Gray brought up the topic of business interruption insurance, and indicated that a topic of increasing public note was the cost of downtime for physicians and others using electronic records. Ms. Dabeau noted that this was an important consideration and noted it would be discussed later in the presentation.

- Charles Harrison brought up the issues of emergency situations and the impact of the trust agreement on such situations. Ms. Dabeau stated that, to the extent there are emergency type exceptions in the law, such exceptions would be included under the broad definition of permitted uses in the trust agreement, including the “as otherwise required or authorized by law” provision. She also indicated that Texas also working with neighboring states on a disaster preparedness plan.
- Elena Marks inquired about the intended use of the model trust agreement by local HIEs. Ms. Dabeau explained that the intent is that, upon completion of a finalized document, all local grant-recipient HIEs would be required to sign and follow the trust agreement.
- Mr. Roddy stressed the importance of input from the Task Force on this document and encouraged everyone to review it and provide any feedback that they might have. He indicated that the intent is to present a more developed version of the trust agreement to task force members at its next meeting on August 31<sup>st</sup>.

*Participants: Jocelyn Dabeau, Patricia Gray, Charles Harrison, Elena Marks, Steve Roddy*

*Note: Ms. Dabeau’s paper has been posted on the Privacy and Security Task Force shared Wiki site for member review.*

<b>3</b>	<b>Overview of “<i>Implementing Privacy and Security Standards in Electronic Health Information Exchange</i>”</b>	<b>Steve Roddy</b>	<b>10:33–11:00 a.m.</b>
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**Presenter:** Steve Roddy; Patricia Gray, University of Houston Health Law and Policy Institute

**Presentation and Discussion:**

- Mr. Roddy introduced Ms. Gray to present an overview of the University of Houston Health Law and Policy Institute’s draft white paper “*Implementing Privacy and Security Standards in Electronic Health Information Exchange*”, and reminded task force participants that the paper remains in draft form, asking that members not redistribute the paper while it remained in draft form.
- Mr. Harrison noted that it would be very helpful to include an appendix including the HIPAA Security Rule’s 18 security standards and 36 implementation specifications, as referenced by Professor Gray, in the document.
- A reference was made regarding the security assessments required as part of the meaningful use requirements and whether these dovetailed with what is required under HIPAA as expanded by HITECH. Ms. Gray responded was that she had not specially looked into this but that she would and, if appropriate, might modify the security paper to reference the meaningful use requirements.
- Mr. Roddy asked if there were any further questions. None were raised.

*Participants: Steve Roddy, Patricia Gray, Charles Harrison,*

*Note: “Implementing Privacy and Security Standards in Electronic Health Information Exchange” has been posted on the task force shared wiki site for member review.*

<b>4</b>	<b>Future Meetings and Agenda Items; Other Items; Adjournment</b>	<b>Steve Roddy</b>	<b>11:01 – 11:04 a.m.</b>
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**Presenter:** Steve Roddy

Mr. Roddy reviewed the future schedule of the Task Force and asked members to review both documents presented in today's meeting and provide any comments they might have. He indicated that the intent is to take up discussion on the model trust agreement at a future meeting after it is developed further.

**Future Meetings:**

- **Wednesday, August 31**
- **Wednesday, October 5**
- **Wednesday, November 2**
- **Wednesday, November 30**