

# Texas Health Services Authority Privacy and Security Task Force

February 1, 2011

10:00 am

# Meeting Agenda

1. Welcome and Announcements
2. Texas HIE Update -
  - Local HIE Grant Program
  - Rural White Space Initiative
  - Texas HIE Options Document

# Meeting Agenda (*cont.*)

## 3. Overview and Update on THSA Privacy and Security Initiatives:

- HISP Agreement, Attachments and Supporting Documents
- State-Level Trust Agreement (Texas HIE Agreement), Attachments and Supporting Documents
- Model BAA
- Model Authorization Form
- Consent Technical Architecture – Draft Profile to Help Facilitate Discussion
- HB 300 THSA Requirements

4. Other items?

5. Adjournment

# State HIE Update

## *Local HIE Grant Program*

- 16 HIE Business and Operational (B&O) plans reviewed
- 5 HIE B&O Plans approved to date
- 7 HIEs revising B&O Plans to address weaknesses and deficiencies:
  - 5 have submitted Plan Amendments
  - 2 are developing Plan Amendments
- 3 HIEs will either merge with other HIEs or become part of the White Space
- 1 HIE will continue or become part of the White Space
- All HIEs transitioning from planning to implementation

# State HIE Update

## *White Space Strategy*

### Current Status

- Final HISP Agreement circulated for signature in November – 5 HISPs have signed to date
- White Space Web Page and Provider Voucher Number Request Process launched in December
- White Space Fact Sheet and Q&A posted on White Space web page
- HISP Profile and Pricing Sheets posted on THSA White Space web page

### Status (cont.)

- Soft Communications Campaign initiated to inform providers of White Space Strategy and Voucher/Payment Process

### Next Step

- Certificate Policy (CP) Development

# Texas HIE Options

*“Supporting Meaningful Use - Health Information Exchange Options for Texas Hospitals and Physicians”*

- An overview of HIE options available in 2012 for Texas health care providers
- Includes:
  - Background on HIE in Texas
  - Introduction to services available through:
    - Texas Local HIE Program
    - Texas Rural "White Space" Strategy
    - Respondents to THSA's 2011 HISP Direct Services Request for Information (RFI)
  - Links to additional resources for more details

# Texas HIE – Next Steps 2012

- Continue to use an open, transparent, stakeholder-driven process
- Finish phase I trust fabric design
  - Legal
  - Policy
  - Technology
  - Operations
- Create detailed architecture
- Create state shared services implementation plan
- Issue RFI and RFPs for state shared services and select a vendor
- Monitor HISP and Local HIE deployments

# THSA 2012 Privacy and Security Initiatives

## *Overview and Update*

- HISP Agreement
  - Agreement overview(payment, penalties, general program requirements)
  - Privacy and Security Guidelines
  - Technical Requirements and Specifications
  - Required Participant Agreement Terms
  - Required Business Associate Agreement
  - Certificate Policy
- State-Level Trust Agreement (Texas HIE Agreement) and Attachments
  - Agreement overview and status
  - Privacy and Security Guidelines
  - Technical Requirements and Specifications
  - Certificate Policy
- Model BAA
- Model Authorization Form
- Consent Technical Architecture – Draft Profile to Help Facilitate Discussion
- THSA requirements under HB 300
  - General Provisions
  - Privacy and Security Standards
  - Voluntary Covered Entity Certification Program

# HISP Agreement, Attachments, Qualified Vendor Agreement, Supporting Documents

- Part of Statewide HIE ARRA Implementation Strategy
- Agreement Overview and Status (THSA and Qualified HISPs)
  - Program Requirements (payment, penalties, obligations, etc.)
  - Warranties (includes compliance with HIPAA/HITECH/State law)
  - Additional Privacy and Security Requirements (for Direct model)
  - Technical Requirements and Specifications (for Direct model)
- Qualified Vendor Agreement (HISPs and Providers)
  - Required Vendor Agreement Terms
  - Required Business Associate Agreement
- Certificate Policy for Organizations Implementing Direct in Texas

# THSA Draft Certificate Policy Document

- The THSA is developing a “Certificate Policy” (CP) which makes our security-related policy transparent to all stakeholders
- Texas White Space HISPs will create supporting documents
- We reviewed the CP at a high level at yesterday’s Data Standards and Technical Architecture joint task force meeting; plan to publish for public comment within a week
- The CP addresses topics such as trust anchors, policy binding, identity proofing, certificate life cycle management, hosting, security controls, staffing, revocation, and compliance

# State-Level Trust Agreement (Texas HIE Agreement), Attachments, Supporting Documents

- Part of Statewide HIE ARRA Implementation Strategy
- Agreement Overview and Status
  - THSA governance and regulatory authority
  - Warranties, Indemnities, Limitations of Liability
  - Privacy and Security Guidelines (for Exchange model)
  - Technical Requirements and Specifications (for Exchange model)
- Exchange Model Certificate Policy for HIEs
- Model BAA for use by HIEs
- Model Authorization Form for use by CEs (HB 300 - AG 2013)

# Model Authorization Form; Model BAA

- Model Authorization Form
  - AG mandate under HB 300 (Have discussed with AG's office)
  - Working with attorneys for some of the HIEs as well as TMA
  - Requires determination of what information will be included
  - Should support multiple consent options based on different HIE models
  - Exploring types of authorizations required for different types of PHI
  - AG's version will be required use by Providers and HIEs (All Texas-defn. CEs sharing ePHI)
- Model Business Associate Agreement
  - Same template used for HISP Agreement
  - For HISP Agreement, removed provisions not applicable to Direct
  - Added HB 300 Specific Provisions

# Consent Technical Architecture – Draft Profile for Discussion

- The Challenge: Operationalizing Consent
  - State Law (HB 300)
  - Local HIE Approaches
  - State-Level Enterprise Architecture Blueprint (EAB)
- A Potential Response: Should the State maintain a consent repository shared service that –
  - Provides a state-level index of state and local consent expressions;
  - Supports local option HIE consent policies and multiple interfaces; and
  - Ensures flexibility necessary to support future legal or operational change?
- A Draft Profile for Discussion was reviewed during yesterday's Data Standards and Technical Architecture joint task force meeting

# HB 300 Documents and Requirements

- Develop Privacy and Security Standards for electronic sharing of PHI (ratification by HHSC)
- Establish Voluntary Covered Entity Privacy and Security Standards Certification Process
  - To certify past compliance with standards
  - May be a mitigating factor in case of violations of Chapter 181, Texas Health and Safety Code
- Work with HHSC, AG, and TDI to determine:
  - When to recommend that HHS conduct an audit of a Texas CE
  - Periodically monitor results of HHS audits of Texas CEs
- Work with HHSC and TDI to apply for available federal funding for enforcement provisions
- Coordinate with HHSC and TMB to recommend privacy and security policies regarding, transportation and storage of PHI maintained by an unsustainable CE
- Participate on an AG appointed task force to make recommendations to the legislature regarding:
  - The improvement of informed consent protocols for electronic exchange of PHI
  - The improvement of patient access to and use of electronically stored PHI
  - Any other critical issues related to the exchange of PHI
  - Publish the report on the THSA website

# A Look Ahead – Meeting Schedule

- February 29
- April 4
- May 2
- June 6
- July 11
- August 8
- September 5
- October 3
- November 7
- December 5

Other Items?

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