

Minnesota Privacy and Security Project Legal Work Group Charge

DRAFT

Purpose

The Legal Work Group will analyze the relationship between: (a) The variations in organization-level security and privacy policies and practices that are categorized as barriers to health information exchange (HIE); and (b) State and Federal laws, regulations, administrative rulings and court rulings related to those policies and practices.

Membership

The Legal Work Group will consist of 7-10 legal experts representing health systems, health plans, hospitals, public health agencies, tribal clinics, other organizations involved in the exchange of health information, and consumers. The legal experts will provide representation in three broad areas:

1. Privacy Officers/Compliance Officers responsible for developing and implementing privacy policies and procedures that comply with legal requirements that protect privacy and patient rights.
2. Legal Counsel responsible for developing and interpreting the State and Federal legal framework for protecting health privacy and patient rights.
3. Other subject experts with routine responsibility for advocating for consumer privacy rights and patient protections.

Approach

The Legal Work Group will evaluate and assess Federal and State law/regulations related to privacy, patient rights, and HIE. The assessment will examine: (a) The relationship to current organizational policies and practices; (b) The relationship to proposed organizational policies and practices; and (c) the overall adequacy of the privacy/security framework for HIE.

Work Group Charge

The charge of the work group is to:

1. Map current organizational policies and practices identified as barriers to HIE to relevant State and Federal law;
2. Evaluate whether the policies or practices categorized as barriers are being driven by: (a) existing State and Federal law; (b) varying interpretation/misinterpretation of existing law; or (c) deliberate decisions to incorporate policies and business needs that are more restrictive than current law;
3. Analyze Federal and State law or regulations related to privacy, patient rights, and HIE for: (a) Completeness; (b) Consistency; (c) Redundancy; (d) Applicability to new technology environments; and (e) Balance between consumer benefits and protections;
4. Collaborate with the Solutions Work Group (SWG) and the Implementation Plan Work Group (IPWG) to ensure that laws are accurately and consistently interpreted throughout the process of formulating solutions and planning implementation of those solutions; and
5. Create a Variations Assessment Report jointly with the Variations Work Group that documents the Work Groups' evaluations and assessments.

Expectations

1. To bring the perspective of the sector or stakeholders you represent to Work Group discussions and decisions.
2. To respect the balance between protecting and preserving consumers' privacy and rights and enabling interoperable health information exchange that enhances the quality and efficiency of care.
3. To keep the statewide interests of e-Health foremost in your assessments and review.
4. To review meeting materials ahead of time and be prepared to contribute clear and focused ideas for workgroup discussion.
5. To attend meetings (or send an alternate) and participate in conference calls, alerting staff and the chairs ahead of time to any scheduled absence.

Deliverables and Timeline

Deliverables:

- Draft Variations Assessment Report
- Analysis of Federal and State law/regulations related to privacy, patient rights, and HIE
- Review of the SWG and IPWG recommendations

Timeline*:

- June 2006 – October 2006: Bi-Weekly Workgroup meetings
- September 1, 2006 – Draft Variations Assessment Report submitted to the Steering Committee
- September 1, 2006 – Complete analysis of Federal and State law/regulations
- October 2, 2006 – Completion of review of SWG recommendations
- November 17, 2006 – Completion of review of IPWG recommendations

**Note: These dates are subject to change as RTI International finalizes the project deliverables*

Workgroup Members

To Be Named

Contacts

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