

MN Privacy & Security Project

Work Group Findings and Report Overview

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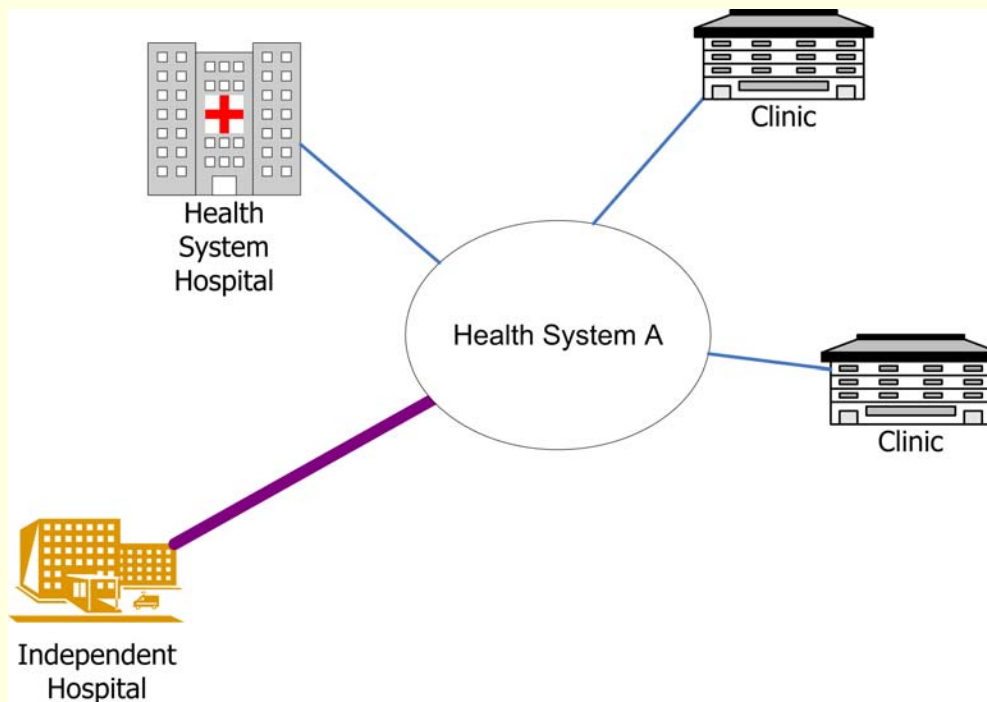
October 18, 2006

Work Group Activities

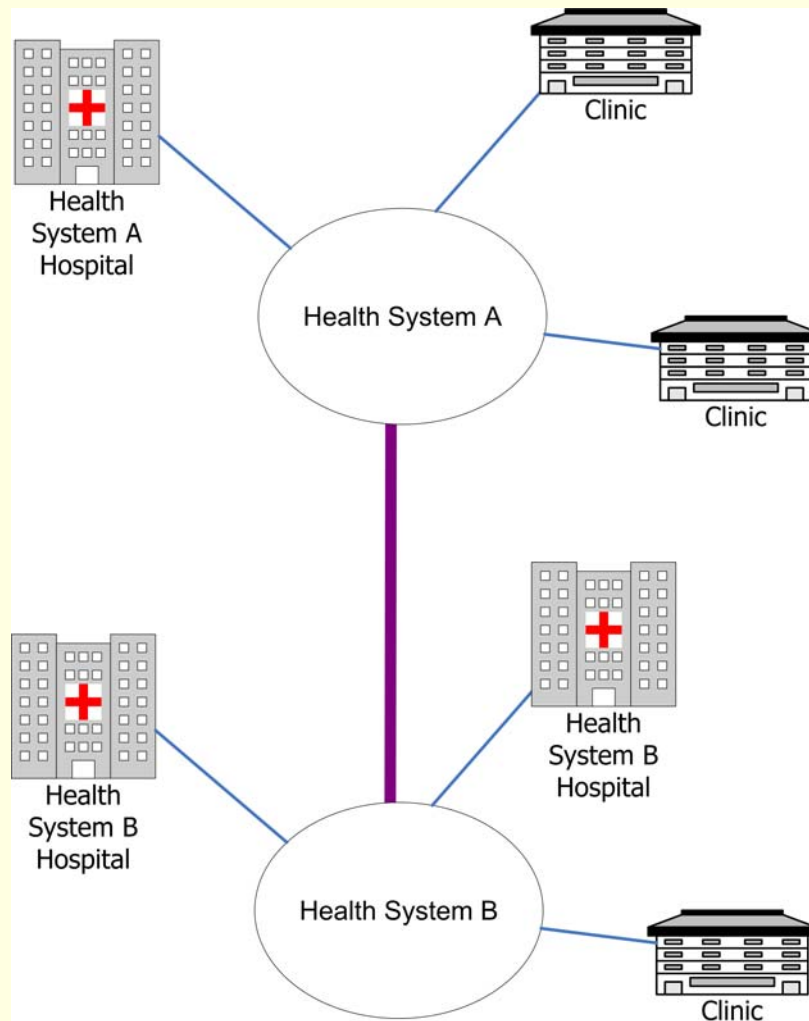
- Variations WG and Legal WG
 - 12 Meetings – 30+ hours of discussion
 - Reviewed 18 scenarios from RTI
 - Discussed and analyzed current and emerging models of health information exchange
 - Discussed consent and liability issues within health information exchange

Models of Health Information Exchange

- Exchange between two organizations
 - Decentralized data
 - Direct coordination of:
 - User Authorization
 - System Access
 - Patient ID
 - Access Auditing

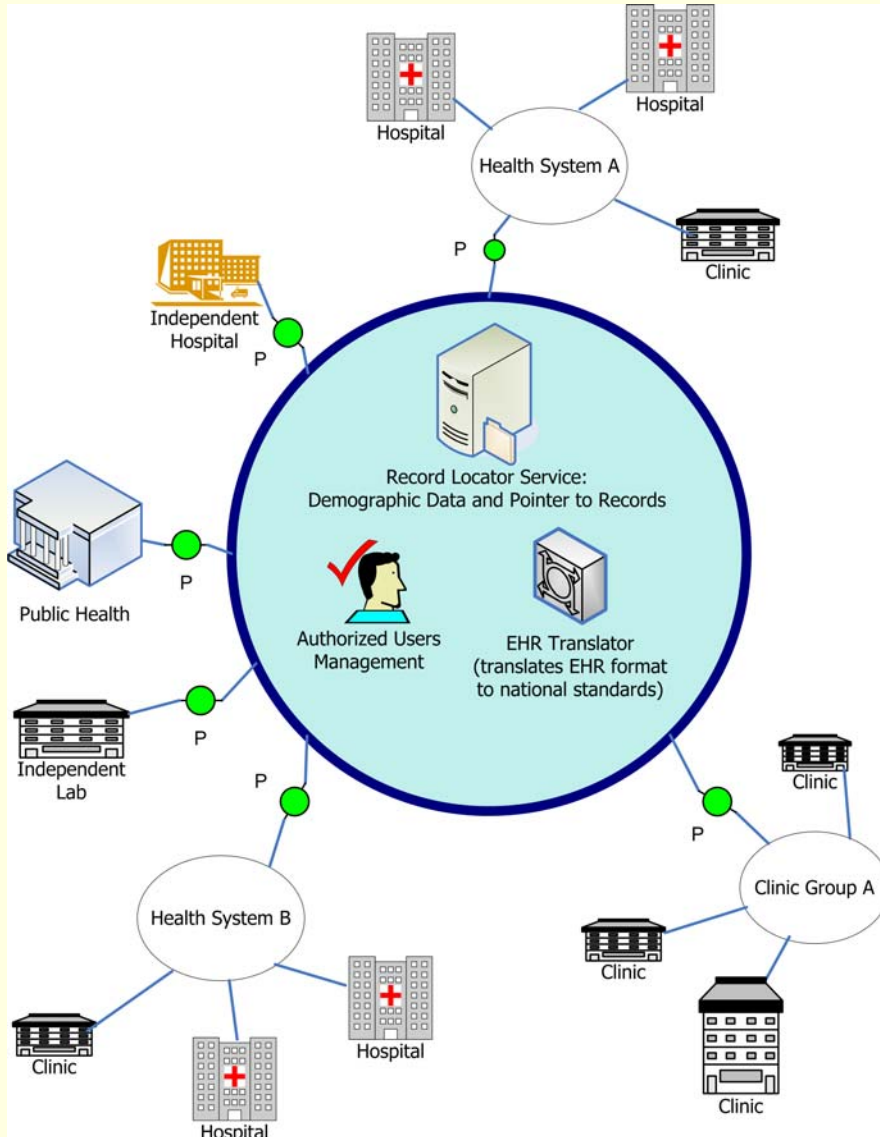


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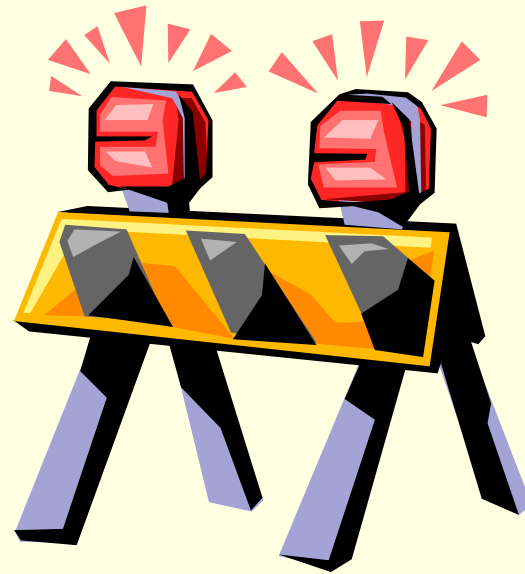
Models of Health Information Exchange



- Multiple Organization Exchange
 - Decentralized Data
 - Central Coordination of:
 - User Authorization
 - Information Access
 - Patient ID
 - Record Locator Service
 - Access is limited to "front end" portal

Key Privacy & Security Issues

- Implementation of Minnesota's patient consent requirements within a health information exchange
- Operational difficulties in first providing, and then limiting and monitoring external organizations' electronic access to patient data
- Liability concerns with the inappropriate disclosure of patients' health information



Barriers and Issues

Patient Consent Issues

- Significant variations in interpretations of Minnesota's patient consent requirements
- Health information exchange requires general agreement on:
 - **When** patient consent is needed
 - **How** patient consent is obtained and documented
 - **Mechanisms for exchanging** or communicating the details of a patient's consent between organizations

Patient Consent Issues

- **Issue 1:** "Health Record" is not defined
- **Issue 2:** "Current Treatment" is not defined and interpreted differently
- **Issue 3:** "Medical Emergency" is not defined

Patient Consent Issues

- **Issue 4:** “Related Health Care Entities” is not defined
- **Issue 5:** Minnesota’s patient consent requirements place all responsibility for the appropriateness of releasing health records on the disclosing provider.

Operational Difficulties in Providing Access to EHRs

- To give external providers access to electronic health records, organizations must address a set of interconnected security problems that requires organizations to collaborate and coordinate activities in new and untested ways on:
 - **Authorizing** individuals to access patient data
 - **Authenticating** individuals who access patient data
 - Setting information **Access controls** to limit individuals' access to data
 - **Auditing** across organizations to identify individuals who inappropriately access health information.

Operational Difficulties in Providing Access to EHRs

- **Issue 1: Authorization** - Mechanisms to establish and maintain a list of individuals authorized to access patient data

- **Issue 2: Authentication** - Methods to authenticate authorized individuals who access patient data

Operational Difficulties in Providing Access to EHRs

- **Issue 3: Access Controls** - Information access controls – within information systems and through coordinated organizational policies – to limit authorized individuals' access to the patient data that is appropriate for the individual's functions and needs
- **Issue 4: Auditing** - Mechanisms for coordinated auditing across organizations to identify authorized individuals who inappropriately access health information

Liability Concerns

- Disclosing entities bear all responsibility for the appropriateness of health information disclosures
- Liability concerns make organizations cautious in how and when they disclose health information
- Organizations unable to minimize their liability will not exchange health information.

Liability Concerns

- The liability barrier should cause us to:
 - Assess if liability is appropriately distributed across all of the actors involved in the exchange of health information
 - Focus our efforts on those privacy and security issues creating the greatest liability for organizations, because those issues most impede the advancement of health information exchanges.

Thank You! - Questions

Key Contacts for More Information:

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