



Patient Rights and Provider Protection in Clinical Health Information Exchange - State Issues-

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Outline

- Health Information Exchange in Utah
- HIE legislation and regulation
- Legal challenges



HIT/HIE and Healthcare Transformation in Utah

VISION

Health Reform: Coverage, Value, Technology and Transparency

GOALS



POPULATION

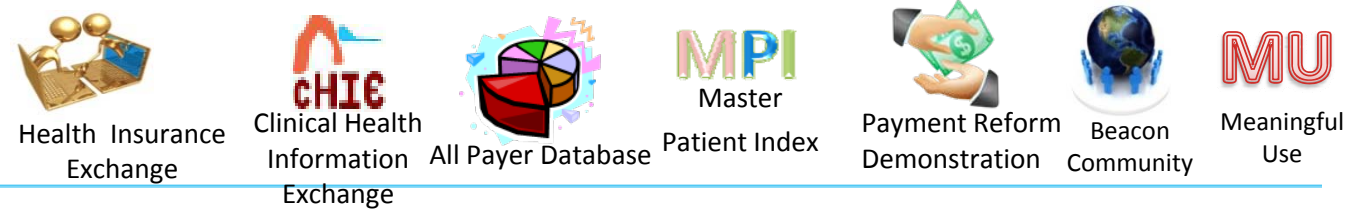


COLLABORATION



SOLUTION

Innovation & Policy



OUTCOME

 Improved Market Performance and Health for All

ARRA HIT Grants in Utah: 2010-2014

How Do They Fit Together?

Beacon Community – Demonstrate of HIT Benefits (Diabetes Care Improvement), \$15M, 3 yrs.

CHIPRA: Use HIT to Coordinated Care for Children in Utah & Idaho, \$10M, 5 yrs.

Medicaid: Planning on an Incentive Program to Support Providers to Meaningful Use of HIT \$400K, 1 yr.

Regional Extension Center for Utah & Nevada: Technical Assistant, \$5.7M, 2 yrs.

State Health Information Exchange Program, \$6M, 4 yrs.

Statewide Master Patient Index for Health Services, \$2M, 2 yrs.

Broadband Availability Survey, \$300K, 1 yr.

State Attorney Generals and HIE

- Leads the State HIPAA Legal Committee
- Participates in the cHIE Legal Committee to develop necessary legal agreements between cHIE members
- Drafts HIE administrative rules and legislation

Utah HIE Legislation/Regulation: 2008-10

2008

- HIE, a part of Health System Reform (HB133)
- Statewide standards for HIE (HB47, R380-70)

2009

- E-prescribing by 2012 (HB128)

2010

- HIE, civil liability and discovery (HB294)

HIE, Civil Liability and Discovery

- State liability relief for participants who disclose information over the network
- Network is not subject to discovery – not a fount for malpractice attorneys

Lines 235-241 in Utah House Bill 294 Health System Reform Amendment, 2010 General Session

Summary

Utah is trying to balance development of robust sustainable systems that meets community and legal requirements and expectations by addressing the following:

- Broad-based involvement
- Liability relief
- Conflict of laws/jurisdiction issues
- Anticipation of treatment disclosure
- Individual right to participate
- Assure that network meets HIPAA and state law

Reference: HIE Civil Liability and Discovery

- ...“(5) The department, a local health department, a health care provider, a third party payer, or a qualified network is not subject to civil liability for a disclosure of clinical health information if the disclosure is in accordance both with Subsection (3)(a) and with Subsection (3)(b), 3(c), or 3(d).
- (6) Within a qualified network, information generated or disclosed in the electronic exchange of clinical health information is not subject to discovery, use, or receipt in evidence in any legal proceeding of any kind or character.” ...

*Lines 235-241 in Utah House Bill 294 Health System Reform Amendment
2010 General Session*