

HIPAA PRIVACY AND SECURITY ISSUES IN SHARING IMMUNIZATION DATA

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New Jersey HISPC

- ▣ HISPC 1 = 2006 to mid 2007
 - Funded by AHRQ
- ▣ In 2005 – New Jersey HIT had statutory authority but ...
 - No plan, no RHIO, no interest
 - No assembled stakeholders
 - No credibility with critical participants
 - No idea where to start

HISPC 1: Goals, Value and Achievements

HISPC Mission

1. Assemble stakeholders into working groups
2. Conduct focus groups and assemble data on HIEs
3. Identify barriers to interoperable exchanges of PHI
4. Classify barriers
 - Legal
 - Process
 - Practical
 - Mistake
5. Evaluate barriers
6. Design implementation plans to resolve barriers

HISPC 1 – Practical Results

Major Barriers Identified ...

1. **Misunderstanding, misapplication and misuse of HIPAA privacy rules by providers, payers and consumers**
2. **No understanding or appreciation of the value of EHRs and HIT**
3. **Lack of Interstate Comity ...**
 - **Recognition**
 - **Respect**
 - **Comity**

HISPC 2 – Local interest, local discretion

HISPC 2: 7/1/07 – 12/31/2008

NJ-HISPC Implementation Plan ~ confront barriers

1. Harmonize NJ Electronic Immunization Registry with NYS and NYC
2. Create state specific basic educations package for providers and consumers
 - HIPAA Privacy
 - HIE

Public Health Registry Project

Harmonization between NJ, NYS and NYC

1. Begin with immunization registries
2. Meeting with NYS and NYC
3. Interim Data Share Agreements
4. Interim Memoranda of Understanding
5. Agree on the technical process and procedures

Public Health Registry Project

6. Bulk Transfer/exchange of immunization records
7. Determine reliability of data
8. Keep working on the legal document
 - Took longer than the technical linkage

Centers for Disease Control [CDC] and Immunization Registries

- ▣ CDC sets data standards and technology standards for states'/territories' immunization registries
- ▣ CDC contributes funds to immunization registries
- ▣ States/territories send immunization reports to CDC
- ▣ Immunization registries have been built at different times with different technologies
- ▣ States/territories add state/territory necessary or mandated data elements to the federal data set
- ▣ Not all states/territories have electronic immunization registries

Public Health Registries

Public Health Registries are not HIPAA Covered Entities!

They are not a provider, not a health plan, nor a clearinghouse

Public Health Registries do hold Protected Health Information [PHI]

Public Health Registries do share PHI, but not usually for treatment, payment or health care operations

HISPC 2 Results

- ▣ September 26, 2007 – NJ transmitted 2906 immunization records to NYC with NYS addresses
- ▣ October 3, 2007 – NYC returned 492 immunization records with NJ addresses
- ▣ October 12, 2007 – NJ processed the test file against the NJ immunization data base [NJIIS]

- ▣ **NJIIS updated results**
 - ▣ Total patients matched = 492
 - ▣ Total doses received = 7004
 - ▣ Total doses added to NJIIS = 5594

HISPC 3 - Inter-Organizational Agreements Collaborative [IOA]

HISPC 2 NJ / NYS / NYC work genesis of IOA

HISPC 3 – 4/1/08 – 3/31/2009

- Funded by ONC
- Alaska, Guam, Iowa, New Jersey, North Carolina, Puerto Rico, South Dakota

**NJ continues to support the work begun with
NYS and NYC; and new partners PA and PR**

HISPC 3 - IOA Objectives

1. Identify a set of harmonized privacy and security provisions for model Interstate agreements
 - Public to Public
 - Private to Private
2. Review and utilize NHIN DURSA [Data Use and Reciprocal Support Agreement Workgroup] agreements where possible

HISPC 3 – IOA Objectives

3. Develop a set of model cross-state inter-organizational agreements for eHIT exchanges
4. Plan and implement multi-state HIE pilot projects using the model agreements; pilot programs will be between 2 or more states/territories
5. Evaluate effectiveness and value of cross-state IOAs to states and partners

HISPC 3 – Where We Are Now!

- ▣ **Developing core provisions for model agreements**
 - ▣ Main focus on the privacy and security provisions
- ▣ **Developing definitions for model agreements**
- ▣ **Working with DURSA**
- ▣ **Taking first steps for pilot projects**
 - ▣ NJ and PR will use the model agreements and exchange data
 - ▣ NJ will also work with PA
 - ▣ NJ will continue work with NYS and NYC

HISPC 3 – IOA Success Measures

- ▣ Will states/territories and other entities sign the IOA model agreements?
- ▣ Are states/territories and other entities able to interoperably exchange reliable and accurate public health data, privately held health data?
- ▣ Are states/territories and other entities able and willing to populate electronic public health registries, private health data bases, with the data received?

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Winner 2007 Andrew H. Melczar Leadership in Volunteerism Award

HIMSS AFEHCT Education Work Group

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