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# **The Second Health Information Technology Summit**

**Day Two  
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## **5.04 Health Information Sharing: Legal and Policy Issues - The Multi-Lateral Data Sharing Agreement**

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# Context

- Regional or sub-network organizations
- Common framework
- Local or network-specific terms and conditions
- Registration instrument

# Some Definitions

- RHIO/Local network
- Patient data
- Participant
  - Data Provider
  - Data Receiver
- User

# Registration Instrument

- Basic information required for participation
- Agreement to be bound by standard terms and conditions
- Agreement to comply with common framework
- Opt-out
- Amendments
- Termination

# Users

- How identified
- How credentialed
- Security measures
- Ultimate responsibility/liability of Participant (“Mother Goose”)

# Data Receivers

- Permitted uses
  - Treatment, payment and health care operations
  - Research
  - Public health
- Prohibited uses
  - Re-disclosure
  - Storage
  - Competitive/comparative purposes

# Data Receivers

continued

- Accountability and oversight
- Remedies



# Data Providers

- Specified data
- Permission for others' use through Network
- Data integrity and quality
- Privacy/security
  - Assurances regarding limited use
  - Individual participation and control
  - Security safeguards and controls
- Accountability and oversight
- Remedies

# Participants' Obligations

- Minimum hardware, software and/or connectivity
- Measures to protect Network, other Participants and data
- Training and supervision of Users
- Compliance with terms and conditions, common framework and federal and state laws and regulations

# Network's Services

- Data and communication
- Support and training
- Reports
- Hardware and/or software
  - Equipment leasing
  - Software licensing
- Training
- Business associate obligations

# Contractual Issues

- Proprietary information
- User and/or data fees
- Responsibility for patient care
- Warranties/disclaimers
- Insurance
- Indemnification
- Limitations on liability
- Remedies

What am I missing?