

ND Health Information Network – Legal & Policy Domain Workgroup

March 2, 2016 Minutes
9:00 AM – 10:30 AM CST

Invitees:

X Patti Kritzberger, Co-Chair ND Healthcare Review	Robin Hirsch Information Technology	X Mike Mullen Legal Liaison
Jenny Witham, Co-Chair Department of Human Services	JoAnne Hoesel MHSAS	X Claire Ness Attorney General's Office
Tami Ternes Governor's Office	Amy Hornbacher St. Alexius	Karen Rohr ND Representative
Tina Gagner, RN Information Technology Department	X Jerry Jurena ND Hospital Association	John Vastag Sanford Health
Raymond Gruby, MD Intelligent InSites	X Courtney Koebele ND Medical Association	X Marnie Walth Sanford Health
June Herman American Heart Association	Jennifer Kunz Information Technology Department	X Sheldon Wolf Information Technology Department
X Eric Hieb Information Technology Department	Judy Lee ND Legislature	X Megan Houn BCBS
X David Hill Sanford Health Department	Jeremy Lunde Department of Human Services	X Lori Schmidt Prairie St. Johns
	Scott Refandtx Trinity Health	X Robert Solar Trinity Health

1. Welcome, roll call

2. Discuss Proposed 42 CFR Part 2

- Mike Mullen gave an overview of the changes and reviewed his memo on the proposed rules.



42 CFR PT 2 NDHIN
DRAFT Comments 03

- Areas of concern discussed were
 - i. Consent provisions provide an option to share specific information, i.e. notes, medication etc., but systems are currently not set up to allow that specific of information of sharing. Most systems have an all or nothing information sharing capability.
 - ii. For integrated facilities, it is hard, if not impossible to keep information segregated from the clinical information.
 - iii. The proposed consent rules allow for the sharing of information to an HIE. With entities that participate in multiple state HIE's, explaining this to patients may not be very easy and could result in limited information sharing because of the lack of understanding or explanations. Additionally, some HIE's allow information to be shared through the Sequoia project. How would this be explained through the consent process, or would this information be excluded from a Sequoia project

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- search.
- iv. The proposed rules allow that the list of disclosures requirement become effective two years after the effective date of the final rule to allow entities collecting this information time to review their operations and business processes and to decide whether technological solutions are needed to enable them to more efficiently comply with requirement. Does the list of disclosures start with the effective date of the proposed rule (two years after final rule published) or once effective, include all disclosures made retroactive (back to the effective date of the rule)?
 - Please send any other areas of concern to Sheldon, the information will be put into a draft letter for discussion at the April 5, 2016 meeting.

NEXT MEETING: April 5, 2016 9:30 AM – 11:00 AM (CST)