



Department of Health & Human Services
Office of the National Coordinator for
Health Information Technology

HEALTH INFORMATION SECURITY & PRIVACY
COLLABORATION

Health Information Security and Privacy Collaboration (HISPC) National Conference

Harmonizing State Privacy Law State Experiences

March 5, 2009
Bethesda, MD

Presenter: Carolyn Turner



Florida Landscape in 2009

- Budget Shortfall and Economic Downturn
- No State Grants for RHIOs
- Legislative Interest in Facilitating Health Information Technology



Agency for Health Care Administration

- State Medicaid Agency
- Responsible for eHealth Strategies per Statute (s. 408.062(5) F.S.)
 - Electronic Health Records
 - Health Information Exchange
- Florida Center for Health Information and Policy Analysis – Lead Division



Agency's Strategic Initiative Objectives for Health Information Exchange

- Promote privacy-protected, secure, health information exchange with e-Prescribing
- Support Florida Medicaid participation in health information exchange
- Facilitate increased access and use of personal health records by consumers
- Enable infrastructure development with broadband access to Florida providers

Florida Goals for HISPC 2008-2009

- Develop Legislation Incorporating Legal Work Group Recommendations
- Reconvene Legal Work Group to:
 - Confirm Previous Recommendations
 - Review Draft Legislation
- Create Florida Statutes Cross-Walk Tool
 - As a Resource for Provider Education

Florida Electronic Health Records Exchange Act

- Creates a new section of law
- Defines electronic health record
- Addresses access in medical emergencies
- Directs the Agency to create a universal authorization form
- Authorizes release of records by hospitals and clinical labs to providers involved in treating the patient

Universal Authorization Form

- Does NOT create new consent requirements
- Addresses consent requirements in current Florida and federal law (e.g. mental health)
- Is optional but offers liability protections when used
- Must be accepted when presented



Cross-Walk Tool

- Public web tool that allows entry of key words (minor, HIV/AIDS, hospice) to retrieve relevant health information exchange state and federal laws (HIPAA)
- Cross-Walk Tool database uses the State's Comparative Analysis Matrix (CAM)
- Provides links to Florida Administrative Code, Statutes and Federal law/regulations

Other HISPC Benefits

- In late 2008, Agency issued an RFI to--
- Determine current capabilities for multi-payer health information exchange in which Florida Medicaid could participate.
 - Will include a Provider Portal and
Consumer Personal Health Record (PHR)

*HISPC Experience Has Guided Resolution of
Privacy and Security Issues*

Florida Medicaid HIE Project

- Physician Must Have Patient's Consent/Authorization
- Consent/Authorization not Required if Emergency and Patient Unable to Consent
- Permits Provider Access to Patient's Data from Florida Medicaid Claims



Looking Ahead

- Develop Universal Authorization Form
- Develop Consumer Access to Payer Claims in PHR of “Consumer Portal”
 - Address Authentication Issues
- Continue to Promote Electronic Health Record Adoption and HIE



HISPC National Conference
March 4-6, 2009

WELCOMING STATEMENT
AGENDA

Carolyn Turner

HISPC Contract Manager

Agency for Health Care Administration

Florida Center for Health Information

and Policy Analysis

2727 Mahan Drive

Tallahassee, FL 32308

turnerc@ahca.myflorida.com

