Interoperable Records
The 2014 Deadline

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Goals

To understand:

■ I WHY
■ II Puzzle Pieces
■ III Barriers
■ IV What’s Next
The Puzzle Pieces

- Electronic Record (EHR)(EMR)(PHR)
- Infrastructure Models
  - Silo or Federated
- Physical/Mental/SS/ADS
  - Coordinated Care
- Barriers – Policy and Trust
- Legal Interface
- Speed of Change in the IT Industry
You Say HIPAA I Hear…

- Public Law 104-191
  - HIPAA the Act
- 45 CFR 160.101 – 164.534
  - General, TCS, Privacy, Security and Breach Rules
- 42 CFR Part 2
  - Federally Assisted Alcohol Drug Programs
- 1974 Privacy Act
  - Frequently appear in Fed to State, then State to County in contracts
- Medicaid Privacy Security
  - Federal 1137 Agreement (misuse/loss of SSN)
You Say HIPAA I Hear…

- **FERPA**
  - Federal Education Rights and Privacy Act
- **GINA**
  - Genetic Information Act (Civil Code 56.17)
- **OMB A-130 (fed security requirements)**
  - Fed to state, state to county
- **Research CFRs**
  - 45 CFR 46.102 “Common Rule”
  - 21 CFR 50.3 “Clinical Investigation”
California

- Civil Code 56 (Confidentiality of Medical Information Act)
- Health and Safety Code (H&S) 123100
- Welfare and Institutions Code (W&I) 5328
- W&I 10850
- Business and Professions Code 4015
- W&I 1798 (Information Practices Act)
- CA Constitution Article 1, Section 1
- Family Code 9200
- H&S 1340
EHR – Definition(*)

A record of health related information that is created, gathered, managed and consulted by authorized health care clinicians and staff.

Content

- Dx, Tx, Rx, Lab
  - Compliance = History, Exam, Medical Decisions
- Standards
  - Becoming Uniform
- Comprehensive/Longevity

* January 2009 Stimulus Bill
Infrastructure – Vocabulary/Transactions

- **LOINC** (Lab observations)
- **SNOMED CT** (Lab Results, Non-Lab, Nursing, Dx/Problem Lists, Interventions/Procedures, Anatomy – National Cancer Institutes Metathesaurus)
- **HL7** (Demographics, IZs, Clinical Encounters, Text-Based Reports CDA, Units)
- **NCPDP** (Prescription Drugs)
- **ICD 10 and DSM 5**
- **HIPAA** (Billing/Financial, Transaction and Code Sets)
- **Missing** (Supplies, History & Physical, Population Health, Disability, Physiology, Multimedia)
Infrastructure
Silo – Unlikely

- One BIG data base – hmmm?
- Host????
- Economies of Scale Questionable
  - Cal MEDS
  - Government – Big Brother
- Remote Communities
  - Maybe - Modest Silo Infrastructure
Consent Management
For Treatment Only

- Incorporates CA Authorization Requirements
- BREAK THE GLASS
  - No Consent
  - No Switches – Extensive Log

- TWO QUESTIONS:
  - Systems Condition
    - Opt In System
      - Automatically OUT
    - Opt Out System
      - Automatically IN
  - Client Choice
A Pan-Canadian EHR Service

BC

EHR INFOSTRUCTURE (EHRI)

Ancillary Data & Services
Health Information Data Warehouse
EHR Data & Services
Registries Data & Services

Longitudinal Record Services

Health Information Access Layer

Point of Service Application
Point of Service Application
EHR Viewer

NS

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EHRS EHRS EHRS EHRS EHRS EHRS EHRS EHRS
Speed of IT Change

- Encryption Strength
- Changing Vulnerabilities
  - Violations by Authorized Users
  - Data Portability
  - Medical Identity Theft
- Mass Market forces
  - Google, Microsoft
- Storage (how much, how long)
  - Cloud
5MB 1956

64MB in 1964

40MB 1985

20 GB at $100
Barriers

- Trust
- Consent
Define Interoperability

- What constitutes an Interoperable system?
- What is the required content?
- What is the common transaction format?
- What is the common security minimum?
- What is the required connectivity?
- Consent directive management
Road Map to Trust

- Origin of Data
  - ALL Applicable Laws
  - Downhill effects - Rights
- ALL Identified Uses/Disclosures
- Identified THREATS
  - Not Just IT
  - Clear Threat Analysis
- Enforcement
  - Internal, Trading Partners of All Stripes
Contracts = Realitionships

- Treatment Services NOT a BAA
  - W/Required Privacy & Security Clause
  - Data Utility Rights
- Business Associate
  - Assurances
- Trading Partner Agreement
  - How to Conduct “Standard Transactions”
- Data User Agreement
  - Not treatment
"Until people are more confident about the security of electronic medical records it is vitally important that we err on the side of privacy." Senator Sheldon Whitehouse (D-RI)

"Right now, the HIPAA privacy rule has too many loopholes to ensure true patient privacy." Sue Blevins Institute for Health Freedom

"HIPAA was never intended for the digital age," Dr. David Brailer
The End

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