



100 W. Randolph St., Suite 2-201
Chicago, IL 60601

Telephone: (312) 814-1600
Fax: (312) 814-1468

Re: Illinois Health Information Exchange Legal Task Force

The Status of Health Information Exchange (HIE) in IL

In the coming months, OHIT anticipates that several initiatives underway throughout the State of Illinois aimed at developing a local HIE (among unaffiliated healthcare providers) will begin implementation activities. In addition, the State of Illinois, through OHIT and the Health Information Exchange Authority (currently in formation), will develop and implement a state-wide HIE. Conceptually, nearly all healthcare services providers in Illinois will eventually directly or indirectly participate in, or contribute data to, such HIEs.

Legal Barriers to HIE in IL

A number of Illinois laws and regulations currently affect the formation and operation in Illinois of HIEs. Some of these laws and regulations raise complex challenges to the exchange of health information through an HIE. Wishing to identify and address such barriers, OHIT has formed an Illinois HIE Legal Task Force with the following ten subject matter “workgroups” which will address specific Illinois statutes and/or substantive topics, with a view to recommending improvements to such laws and to presenting evidence in support of such recommendations (e.g., whitepapers, testimony). The work of the workgroups will be coordinated by an Executive Committee.

- General Protected Health Information (PHI)
- Behavioral Health
- Substance Abuse
- HIV/AIDS; STDs
- Public Health and Abuse Reporting; Medical Research
- Genetic Testing
- Disclosure of Clinical Laboratory Test Results; Prescription Drug Information; Payment Claims; e-prescribing
- Liability issues arising from use of HIE, Immunity provision in PA96-1331, Litigation Testimonial Privileges, Enforcement
- Patient Consent Management/ Forms
- Interstate Issues

Task Force Members Invited

OHIT welcomes the involvement of all persons (whether or not attorneys) interested in participating in the deliberations of the HIE Legal Task Force. All inquiries should be directed to Mark Chudzinski, OHIT’s General Counsel (Mark.Chudzinski@Illinois.gov), or to either of the Executive Committee co-chairs: Bernadette Broccolo, Partner, McDermott Will & Emery (BBroccolo@mwe.com) or Mark Deaton, Sr. Vice President and General Counsel, Illinois Hospital Association (MDeaton@ihastaff.org).