

MINUTES OF THE JULY 24, 2013 MEETING OF THE PATIENT CHOICE AND MEANINGFUL DISCLOSURE WORK GROUP: BREAK THE GLASS SUBGROUP, OF THE ILLINOIS HEALTH INFORMATION EXCHANGE AUTHORITY

The Patient Choice and Meaningful Disclosure Work Group: Break the Glass Subgroup, of the Illinois Health Information Exchange Authority, pursuant to notice duly given, held a meeting at or about 10:00 a.m. on July 24, 2013 in Rm. 9-034 at the James R. Thompson Center, 100 W. Randolph St., Chicago, Illinois 60601, with telephone conference call capability.

<u>Subgroup Members Present:</u> Renee Popovits Popovits & Robinson Crystal VanDeventer LincolnLand HIE Deb Gory MCHC HIE Maria Pekar Loyola University Health Systems	<u>OHIT/ILHIE Staff Present:</u> Mark Pellegrino
<u>Absent:</u> Susan O’Keefe MCHC HIE Nancy Newby Washington County Hospital	

Call to Order and Roll Call

Mr. Mark Pellegrino, as OHIT/ILHIE Authority staff liaison, welcomed the members of the Subgroup. Mr. Pellegrino confirmed the presence of the participants noted above, and the ability of those participating by teleconference to clearly hear and participate. There were no objections expressed to the participation of Subgroup members by electronic means.

Review of Objectives

The objectives of the workgroup were briefly reviewed and discussed. Individual members expressed specific points of interest as well.

Examination of Existing Precedent and Suggested Resources

Specific instances and circumstances of when the law allows a provider to “break the glass” out of medical necessity were examined. Among them, was the “safe harbor” clause within the Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA) and the AIDS Confidentiality Act, as well as substance abuse treatment laws of 42 CFR 2.51 and its corresponding FAQ’s. Likewise, issues of release of information documentation and re-disclosure of sensitive information were briefly discussed as well.

Mr. Pellegrino invited the group to send him additional resources and noted that they would be posted on the ILHIE website as a collective resource. In addition, he expects to examine and poll other “break the glass” medical emergency laws applicable to other State-wide HIEs.

Practical Mechanization

The Subgroup briefly discussed the practical mechanics of how information should be released in a medical emergency. Specifically, release of information was examined from both an opt-in patient perspective, as well as opt-out. Equally important, the gatekeeper function at both the level of ILHIE, as well as at the provider level, was viewed as a critical component of the process.

Discussion of Deliverables

Two Subgroup deliverables were referenced and listed as follows:

- 1) Recommendations for Clarifying Illinois Law with respect to Opt-Out Override (“Break the Glass”) in the Case of Medical Emergency within the Context of Health Information Exchange.
- 2) Policy Recommendations for Handling a Self-Pay Patient’s Right to Restrict Disclosure of Specific Health Information to a Health Plan or a Health Plan’s Business Associate within the Context of Health Information Exchange.

It was noted that the first deliverable has two differing patient types: the general patient that has opted out and the general patient that has sensitive information, other than mental health, who has not consented.

Next Steps and Wrap-Up

The group noted that there were few time constraints and that the urgency to complete the deliverables was low. Next steps involve populating the ILHIE website with resources and best practice documentation.

Adjournment

The meeting was adjourned at approximately 11:35 a.m. so members could rejoin the Work Group meeting plenary session.

Minutes submitted by: Daniel Procyk, Esq.
Reviewed and revised by: Mark Pellegrino, Esq.
