

**MINUTES OF THE SEPTEMBER 13, 2012 MEETING
OF THE DATA SECURITY AND PRIVACY COMMITTEE OF THE
ILLINOIS HEALTH INFORMATION EXCHANGE AUTHORITY**

The Data Security and Privacy Committee (“Committee”) of the Board of Directors (“Board”) of the Illinois Health Information Exchange Authority (“Authority”), pursuant to notice duly given, held a meeting at 2:20 p.m. on September 13, 2012, at the offices of the Illinois Office of Health Information Technology (“OHIT”), 100 West Randolph Road, Suite 2-201, in Chicago, IL, and with telephone conference participation capabilities.

<u>Appointed Committee Members Present electronically:</u> <ol style="list-style-type: none">1. Leah Bartelt2. David Carvalho3. David Holland4. Nicholas Panomitros, Chair5. Tiefu Shen	<u>OHIT Staff Present:</u> Mark Chudzinski; Krysta Heaney <u>Invited Guest:</u> Sonia Desai Bhagwakar
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------

Roll Call

Mark Chudzinski, Secretary of the Authority and General Counsel of OHIT called to order the meeting of the Committee. Mr. Chudzinski welcomed the appointed Committee members and confirmed the presence of the Committee members noted above. There were no objections from the members of the Committee to the participation by electronic means by the above participants who had advised the Secretary in advance of their attendance by electronic means necessitated by business or employment purposes. Mr. Chudzinski noted that in the absence of quorum, it would be appropriate to defer approval of the minutes of the prior Committee meetings; the Chair advised that the Committee’s approval of the prior minutes would be solicited by email.

It was noted that Committee’s Report of Preliminary Findings and Recommendations, discussed at the prior meeting on September 6, was revised to reflect the Committee’s guidance and the revised draft was circulated to the Committee members in advance of the meeting; it was further reported that Dr. Nicholas Panomitros would present the Committee’s recommendations to the Board on September 19, 2012.

Deliberations Regarding ILHIE Privacy and Security Policy Questions and Committee Recommendations

The Committee deliberated on the updated and most recent draft of its Preliminary Findings and Recommendations (“Report”) dated September 12, 2012. Dr. Panomitros inquired whether there were items of concern or questions about the Report that the Committee members wished to discuss. It was requested that paragraph 24 of the Report be clarified. A discussion ensued about the discretionary authority held by health care providers with regard to patient health records of which they are custodians, including disclosure of information to the parents of a minor. The Committee was advised regarding federal HIPAA, section 164.522, and the discretion it gives health care providers to agree to a patient’s request to restrict the uses or

disclosures of a patient's health information. Committee members spoke about such discretionary practices exercised at certain health care facilities, including a hospital that does not accept patient requests for non-disclosure beyond the privacy practices it already has in place. Difficulty in tracking such requests was noted as a concern.

The Committee discussed other examples where the facility may need to limit the disclosure of portions of a patient's record, including when a patient pays out of pocket for a service and requests that the payer not be informed of the service (pursuant to a provision of the HITECH Act) and when the provider determines what information would be the "minimum necessary" needed to accomplish the reason for the disclosure (pursuant to HIPAA sections 164.502 and 164.514).

Pursuant to a question being raised on the issue, the Committee was advised that ILHIE would track when a patient opts out or revokes her opt out. However, it was agreed that this is an operational issue, the details of which were yet to be determined.

The participating members raised no other concerns or questions.

Dr. Panomitros encouraged the Committee members to contact him about any additional questions or concerns about the Report prior to the September 19, 2012 Board meeting.

Public Comment

There were no comments offered from the general public.

Adjournment

The meeting was adjourned at 2:40 p.m.

Minutes submitted by: Sonia Desai Bhagwakar