

# THINC RHIO, Inc.

Taconic Health Information Network and Community

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*Privacy and Consumer Affairs Committee Meeting  
March 26, 2009 11:00AM-12:00Noon*

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A meeting of the Privacy and Consumer Committee of the THINC RHIO, Inc. (THINC), a New York not-for-profit corporation (the “Corporation”), was held on March 26, 2009.

**Committee Members Present:**

*Arthur Levin, Committee Chair, Norma Johnson, Paul Kaye, Lucy Pitaro, Steve Sarg.*

**Non-Committee Members Present:**

John Blair III, Dianne Koval, Helen Pfister, Allison Laquidara, Susan Stuard, Asha Upadhyay.

## **I. APPROVAL OF MARCH 2009 MEETING MINUTES**

A motion was made, seconded to approve the March 2009 meeting minutes.

## **II. COMMITTEE UPDATE**

Susan Stuard informed the committee that a draft of the security breach policy was brought to the THINC Board of Directors on March 4, 2009. The Board members felt that the trajectory of the policy was good, the board members will review the policy and return with comments at the next Board meeting. We did not ask the Board for adoption at this time. The committee discussed whether or not to ask for adoption of the policy or to wait until the revisions are made at the state level. It may be as much as several months before the revisions are completed by the Statewide Collaborative Process (SCP). After some discussion on the issue of adoption the committee agreed to return to the next meeting with their recommendation concerning adopting the security breach policy. To date, the security breach and the patient access policies are in process. Additionally, the committee will also work on policies for consent, audit, access and authentication. Once drafts of the policies are in place, Susan Stuard will then ask the committee to advise on tools for training and education. She will contact each committee member individually to discuss the committee’s progress and any concerns the members may have.

## **III. REVIEW OF AUTHORIZATION POLICY**

Susan Stuard reviewed the Authorization Policy which was updated to reflect suggestions made by the committee. Language was clarified in the introduction section, additionally a section was added regarding relationship with the patient when accessing for purpose of treatment. The section for participant organizations was separated into two bullets 1) system administrator and 2) assignment of roles. Requirements added to the document were account termination and notification to THINC within 24 hours of an employee’s termination as well as ongoing updates of access roles and provision of full and an updated access role list annually. Susan Stuard will revise this document highlighting the changes based on the committee members’ input and send it via email to the committee members. She asked that the committee members to respond with their comments via email or fax. These comments will be discussed at the next meeting.

## **IV. REVIEW OF PATIENT ACCESS REQUIREMENTS**

According to the Statewide Collaboration Process (SCP) Patient Access Policy, RHIOs are required to educate patients about the consent process. Once the consent policy is developed it is THINC’s intention to develop the necessary training materials. RHIOs are expected to explain the terms and conditions which protected health information can be shared with authorized users. THINC will be required to conform to any patient education program standards developed through SCP. RHIOs shall require their participants to develop policies addressing patient access rights and educate patients about such policies. RHIOs are not required to give patient’s access to

their own Protected Health Information, but are encouraged to do so and are required to inform patients as to whether such access is available to them. Arthur Levin said that the current New York State Law says patients have rights of access but it does not say it has to be in electronic format. Largely, the discussion revolved around the issue of who will provide patients access their health information. The committee agreed that patients should still retrieve their information from their provider and so at this time THINC does not foresee providing direct access to patients. Patients would request their information from their physician as they always have. THINC could act as a facilitator for patient access by transporting the information through the health information exchange to the patient or his or her personal health record. With that said, the provider would have the option whether to participate in this service if offered by THINC.

RHIOs must also provide patients a list of all data suppliers and how to contact those data suppliers. This is a requirement that has come out of the Statewide Collaborative Process. Patients have a right to know the sources of data that is in the health information exchange. The RHIO shall also develop a plan and process for assuring meaningful patient/consumer input and participation in the RHIO operations and decision making. In an effort to further the discussion regarding access, a draft of the patient access policy will be presented to the committee at the April 23, 2009 meeting.

There being no further topics for discussion, the meeting was adjourned at 12:06pm.