



Health Information Privacy and Security Collaboration

Interstate Compact Innovation Task

Overview of Task

1. Goal/Product and Purpose of the Interstate Compact Innovation Task:

- To establish a foundational body of knowledge on the concepts that should be included, or considered for inclusion, in an interstate compact addressing consent in the context of electronic health information exchange.

2. The collaborative will:

- Identify and define potential elements and areas for consideration, including the purpose of each element or component.
- Identify various approaches to each element or component, as well as the implications and pros/cons (benefits/risks) of each approach.
- Identify potential challenges and provide analysis related to the feasibility of proposed approaches.

3. The collaborative will not:

- Make any recommendations or advocate for a particular approach/method.

Assumptions

1. Due to the limited time available for the extension project, the specific language for each component of the Compact will not be developed.
2. Each component of the Compact will be researched to identify potential approaches and inform future development of the specific language of the Compact.
3. For clarification purposes, the “Requesting State” is the location where the original request for information is generated. The “Responding State” is the location where the request is received and a reply/action is taken based on the request.
4. An Interstate Compact may be enacted without formal consent of Congress, although Congressional approval may be required if the Compact involves potential federal authority.
5. The intent of the Compact is to:
 - a. Improve access to electronic patient information for permissible purposes where conflicting state laws may impede timely exchange.
 - b. Provide legal protection to Responding States if their laws are more stringent than the laws of the Requesting States.
 - c. Provide an option for states to adopt regarding consent that will preempt inconsistent state laws and therefore not require states to amend their existing laws.

Interstate Compact Development Template

Component, Element, or Area for Consideration:
Purpose and Description of Component, Element or Area for Consideration:
Summary of Various Approaches:
Implications, Pros/Cons, Benefits/Risks of Each Approach:
Potential Challenges and Analysis of Feasibility of Each Approach:
Comments: (Includes any comments that would be instructive or helpful as background or to provide a context for evaluating the various approaches that could be considered).
References: