

Legal Working Group Meeting Minutes

Wednesday, June 24, 2009

10:00 a.m. to 10:32 a.m.

Attendees: Stephanie Jursek, Nancy Gillette, Socrates Tuch, Janice Franke

On Phone: Sue Yoder, Holly Drake, Anker Bell, Tony Shaffer, Amy Leopard, Rick Sites, Pete Mihaly

WELCOME AND INTRODUCTIONS: Nancy Gillette welcomed the group, and attendees introduced themselves.

APPROVAL OF 05/13/09 MINUTES: Minutes from the 05/13/09 meeting were adopted as written.

HISPC UPDATE

HISPC:

On June 18, the Consent 2-Policy Options Collaborative hosted a WebEx seminar to showcase the HISPC Phase 3 work that was conducted. Stephanie commented that Bill Mitchin presented the findings and tools used from the interstate analysis of potential mechanisms to secure patient consent for electronic exchange of PHI regardless of varying consent requirements among states. She also indicated that last week a collaborative teleconference was held. Each participating state was to provide draft populated templates and progress reports regarding their research and analysis of selected interstate compact components. The Ohio group was the only one that had submitted populated templates. Ohio was complimented on the template analyses, and Stephanie congratulated the LWG.

COMMITTEE PROGRESS REPORTS:

1. The Parties to the Agreement

On behalf of the committee, Nancy Gillette indicated that most of the revisions to the template, based on the feedback from the June 10 LWG meeting, were to the Summary of Various Approaches section. In that regard, the committee expanded further on the potential response of various stakeholder/constituency groups to the use of an interstate compact for electronic exchange of PHI. The information provided was well received by the LWG, and no additional revisions were noted.

2. Certification Mechanism

Holly Drake reported that the LWG suggestions to provide analysis on the impact on the recommended approaches by the committee were incorporated. The committee was complimented on the analyses of this component. Only a few technical edits were noted, coupled with a recommendation to expand on the information in the comment section of the template.

3. Enforcement

Stephanie Jursek outlined briefly the modifications that were made based on the LWG feedback. No additional revisions were recommended.

4. Liabilities

Anker Bell consolidated and incorporated comments that the LWG had previously noted and requested feedback. There was discussion about defining “liabilities” to make this clearer within the draft. However, it was determined that would not be necessary, and ultimately only technical modifications were suggested. Anker was complimented for his leadership with this committee.

NEW BUSINESS: No new business.

NEXT MEETING DATE:

Stephanie Jursek reported that a collaborative conference call is scheduled on July 8 to review the revised collaborative populated templates. Scheduling of a LWG meeting in July would depend on the outcome of the July 8 collaborative teleconference. Nancy Gillette requested that Stephanie inform the LWG by e-mail if any additional meetings would be necessary.