



**Meeting to Discuss RIN 0955-AA01: 21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program**

**Wednesday, January 8, 2020  
2:00 P.M.**

**725 17<sup>th</sup> Street NW, Washington, D.C. 20503  
New Executive Office Building**

**Attendees:**

**Devon Adams**

*Policy Manager*  
Healthcare Leadership Council

**Samantha Burch**

*Director, Health Information Technology  
Policy*  
American Hospital Association

**Jamie Ferguson**

*Vice President, Health IT Strategy & Policy*  
Kaiser Permanente

**Andrew Fish**

*Chief Strategy Officer*  
AdvaMed

**TJ Garrigan**

*Director, Policy & Regulatory Affairs*  
CVS Health

**Tina Grande**

*Executive Vice President for Policy*  
Healthcare Leadership Council

**Jody Hoffman**

*Senior Partner*  
Republic Consulting, LLC

**Deanne Kasim**

*Executive Director, Health Policy*  
Change Healthcare

**Danielle Lloyd**

*Senior Vice President Private Market  
Innovations & Quality Initiatives*  
America's Health Insurance Plans

**Ryan Minto**

*Vice President of External Affairs,*  
UnitedHealth Group

**Erin Richardson**

*Vice President and Associate General  
Counsel*  
Federation of American Hospitals



## **ABOUT THE CONFIDENTIALITY COALITION**

The Confidentiality Coalition is a broad group of organizations working to ensure that we as a nation find the right balance between the protection of confidential health information and the efficient and interoperable systems needed to provide the very best quality of care.

The Confidentiality Coalition brings together hospitals, medical teaching colleges, health plans, pharmaceutical companies, medical device manufacturers, vendors of electronic health records, biotech firms, employers, health product distributors, pharmacies, pharmacy benefit managers, health information and research organizations, clinical laboratories, home care providers, patient groups, and others. Through this diversity, we are able to develop a nuanced perspective on the impact of any legislation or regulation affecting the privacy and security of health consumers.

We advocate for policies and practices that safeguard the privacy of patients and healthcare consumers while, at the same time, supporting policies that enable the essential flow of information that is critical to the timely and effective delivery of healthcare. Timely and accurate patient information leads to both improvements in quality and safety and the development of new lifesaving and life-enhancing medical interventions.

Membership in the Confidentiality Coalition gives individual organizations a broader voice on privacy and security-related issues. The coalition website, [www.confidentialitycoalition.org](http://www.confidentialitycoalition.org), features legislative and regulatory developments in health privacy policy and security and highlights the Coalition's ongoing activities.

For more information about the Confidentiality Coalition, please contact Tina Grande at [tgrande@hlc.org](mailto:tgrande@hlc.org) or 202.449.3433.



## CONFIDENTIALITY COALITION

### PRINCIPLES ON PRIVACY

1. All care providers have a responsibility to take necessary steps to maintain the confidentiality and trust of patients as we strive to improve healthcare quality.
2. The framework established by the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule should be maintained. HIPAA established a uniform framework for acceptable uses and disclosures of individually-identifiable health information within healthcare delivery and payment systems for the privacy and security of health information to enable the provision of health care services to patients. HIPAA follows the widely accepted Fair Information Practices standards (FIPS.)
  - a. The HIPAA Privacy Rule, through “implied consent,” permits the sharing of medical information for specified identified healthcare priorities which include treatment, payment and healthcare operations (as expected by patients seeking medical care.) This model has served patients well by ensuring quick and appropriate access to medical care, especially in emergency situations where the patient may be unable to give written consent.
  - b. The HIPAA Privacy Rule requires that healthcare providers and health plans limit disclosure of protected health information to the minimum necessary to pay for healthcare claims and other essential healthcare operations. This practice provides privacy protection while allowing for continued operations. Minimum necessary is relatively easy and simple to administer and practice.
3. Personal health information must be secured and protected from misuses and inappropriate disclosures under applicable laws and regulations.
4. Providers should have as complete a patient's record as necessary to provide care. Having access to a complete and timely medical record allows providers to remain confident that they are well-informed in the clinical decision-making process.
5. Privacy frameworks should be consistent nationally and across sectors so that providers, health plans, and researchers working across state lines and with entities governed by other privacy frameworks may exchange information efficiently and effectively in order to provide treatment, extend coverage, and advance medical knowledge, whether through a national health information network or another means of health information exchange.
6. The timely and accurate flow of de-identified data is crucial to achieving the quality-improving benefits of national health information exchange while protecting individuals' privacy. Federal privacy policy should be consistent with the HIPAA regulations for the de-identification and/or aggregation of data to allow access to properly de-identified information. This allows researchers, public health officials, and others to assess quality of care, investigate threats to the public's health, respond quickly in emergency situations, and collect information vital to improving healthcare safety and quality.
7. For the last 20 years, the HIPAA privacy standards have engendered consumer trust. Any future legislation or rulemaking that addresses identifiable health information should conform with consumers' expectations.