The Office of the National Coordinator for
Health Information Technology

Putting the I in Health IT Privacy and Security

How Consumers Can be Part of the Policy-making Process

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Joy Pritts, JD
Chief Privacy Officer

Putting the **I** in **Health IT**
www.HealthIT.gov

Putting the patient in the center of everything we do

Opportunities to Get Involved

- Federal Advisory Committees

- Rule Making Process

- Implementing Policy Through Standards
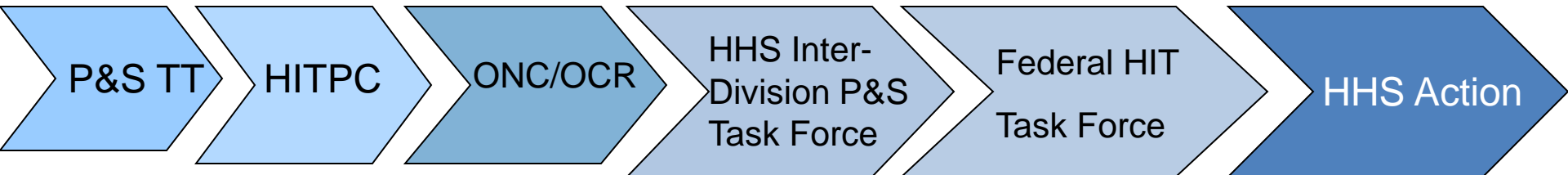
Federal Advisory Committees

- HIT Policy Committee (HITPC)
  - Privacy and Security Tiger Team
  - Other workgroups, at times address privacy and security (e.g., PCAST workgroup)
- HIT Standards Committee
  - Technical standards for implementing policy
- Make *recommendations*
  - HHS can accept, reject, modify

HITPC Privacy and Security Tiger Team

- Assessing Nationwide Privacy and Security Framework for Health Information Exchange in light of evolving technology

- Building on HIPAA Privacy and Security Rules

- Focus is on filling gaps and strengthening protections to provide an updated, more detailed framework

- Meeting materials and how to participate

  http://www.healthit.hhs.gov

HITPC Policy Recommendation Process

P&S TT → HITPC → ONC/OCR → HHS Inter-Division P&S Task Force → Federal HIT Task Force → HHS Action

Potential Policy Levers

- Program requirements

- Funding

- Guidance

- Regulations

- Legislation

- Office for Civil Rights
  - HIPAA Privacy and Security Rules
- Office of the National Coordinator for Health Information Technology
  - EHR standards and certification
  - Governance
- Centers for Medicare and Medicaid Services
  - Meaningful use incentive payments
  - Affordable Care Act
    - E.g., CMS sharing Medicare claims data with Accountable Care Organizations

Rulemaking Process

- ## Notice of Proposed Rulemaking
  - Generally 30 - 60 day comment period

- ## Final Rule
  - Must address the comments

Rulemaking Process

- Request for Information
- Advance Notice of Proposed Rulemaking
- Notice of Proposed Rulemaking
- Interim Final Rule

Rulemaking Process

- Published in Federal Register
  - http://www.gpoaccess.gov/fr/
  - Migrating to http://www.gpo.gov/fdsys/
- Sign up to receive daily Federal Register table of contents via email
- Read and submit comments on Regulations.gov
  - http://www.regulations.gov

Effective Comments

- Comment on proposed provisions that you would like to remain in final rule
- Comment on those you would like removed or altered
  - Propose solutions (e.g., suggest edits to regulatory text)
- Cite to supporting information where available
- Recognize limits of agency authority

Implementing Privacy Policy

- Standards and Interoperability Framework

- Data segmentation project

- Will be seeking public input for
    - Developing use cases
    - Identifying organizations to test potential standard solutions

- Further announcement through ONC listserve

Questions?