

# Part 2 Data Governance Meeting

## *Vermont Health Information Exchange (VHIE)*

**Prepared for the Part 2 Data Governance Group**

**5/2/2023**

# Shared Values and Goals

- Ensuring access and minimal barriers to services for all Vermonters
- Clear and shared understanding of governance process
- We will establish data governance prior to any data being sent
- Patients are at the center of their health data – all individuals can make informed decisions about the use of their health data
- Policy makers / payers are able to assess value of programs and adapt to changing needs
- AHS will not share data with law enforcement or anyone else

# Agenda

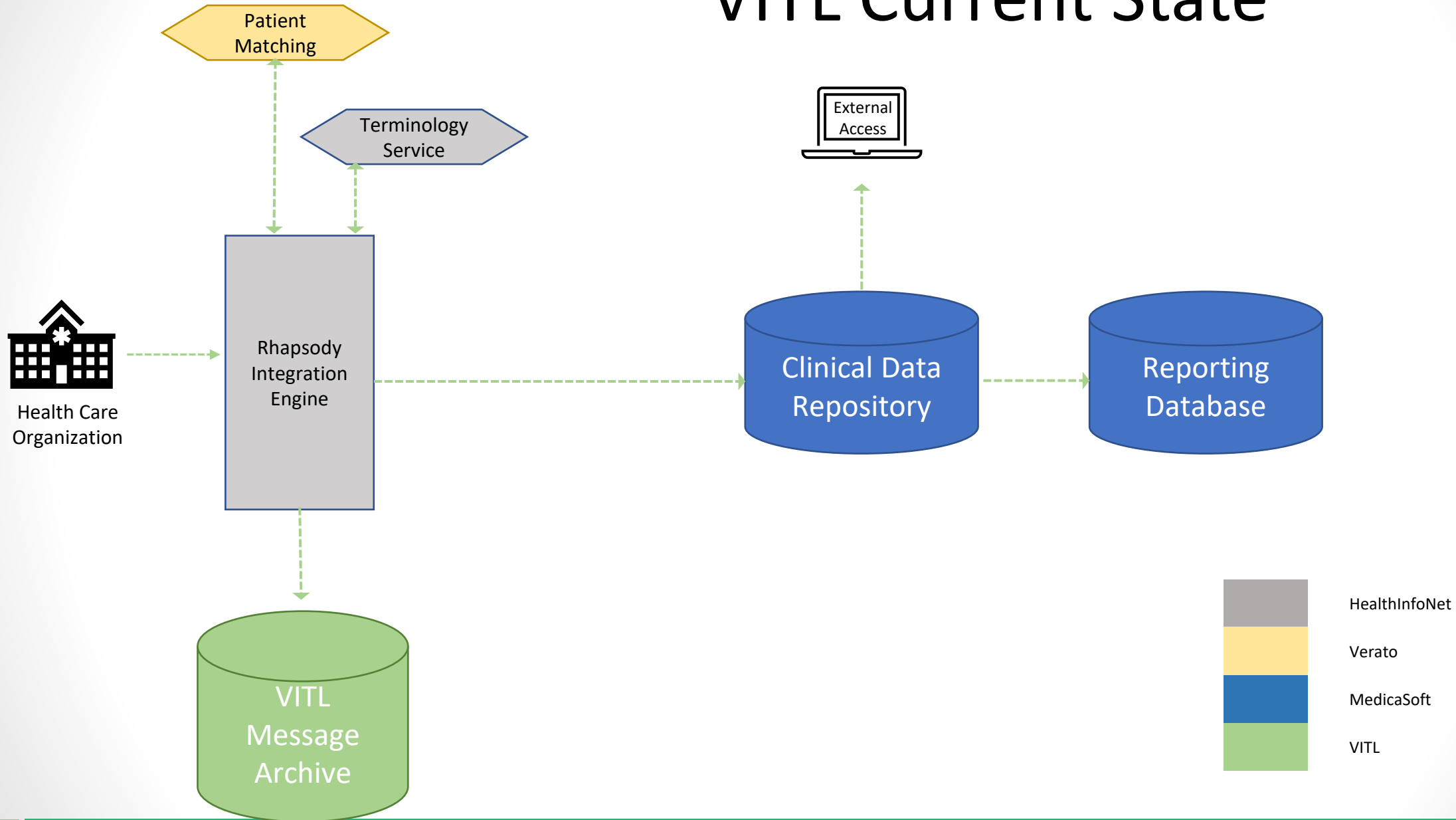
- Listening Sessions Feedback [*Kristin M.*]
- Data Storage [*VITL*]
- Existing VHIE Clinical Data Management
- May 16<sup>th</sup> Meeting will include level-setting/training/education on Part 2 provisions  
[*John W., VITL Legal*]
  - What are the key areas of interest for the DAs?
- Discussion

# Listening Session Feedback

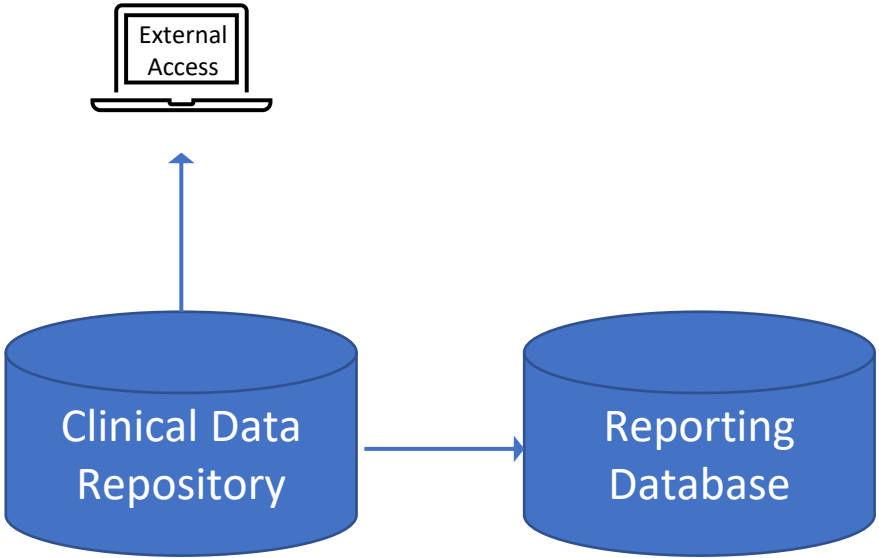
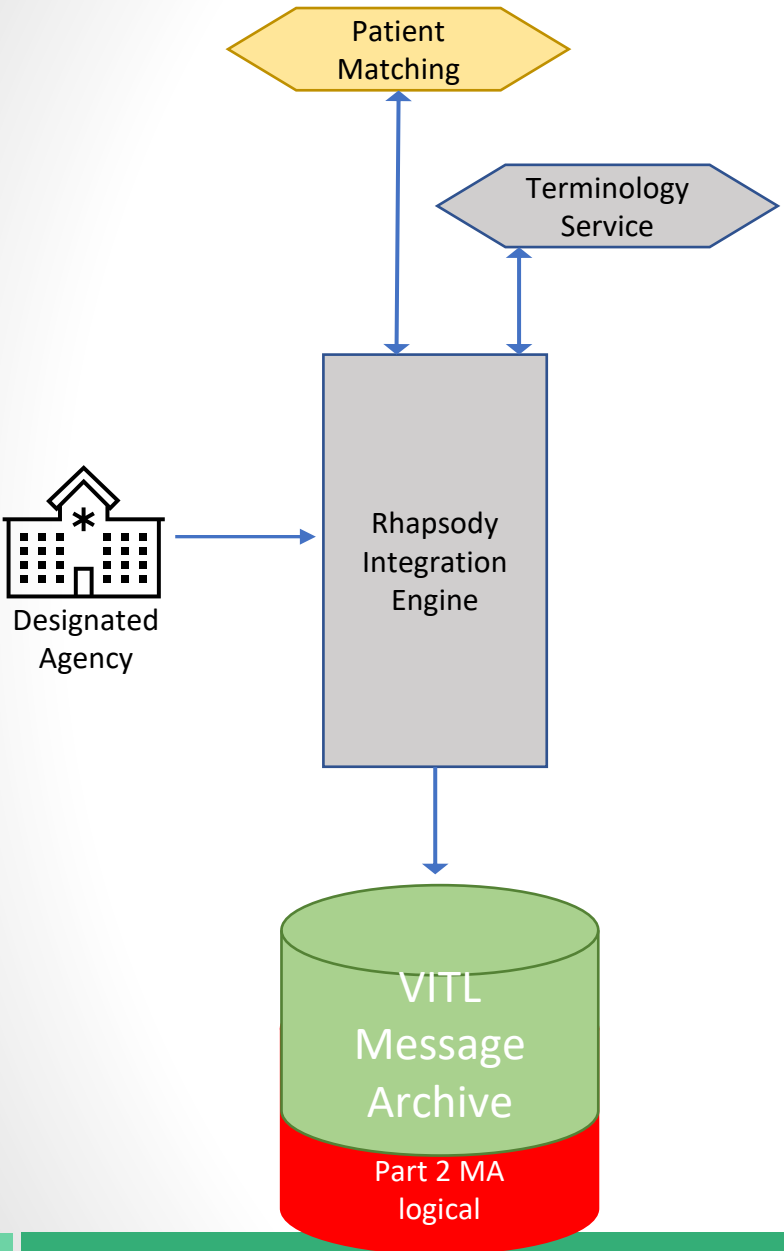
- THANK YOU!
- Six out of the seven Designated Agencies participating in the Data Governance discussions engaged in a listening session
- All sessions completed last week
- Valuable to hear your feedback – inform and shape these discussions, strengthen relationships, and how to best serve your / your client needs

Where will the Part 2 Data reside?

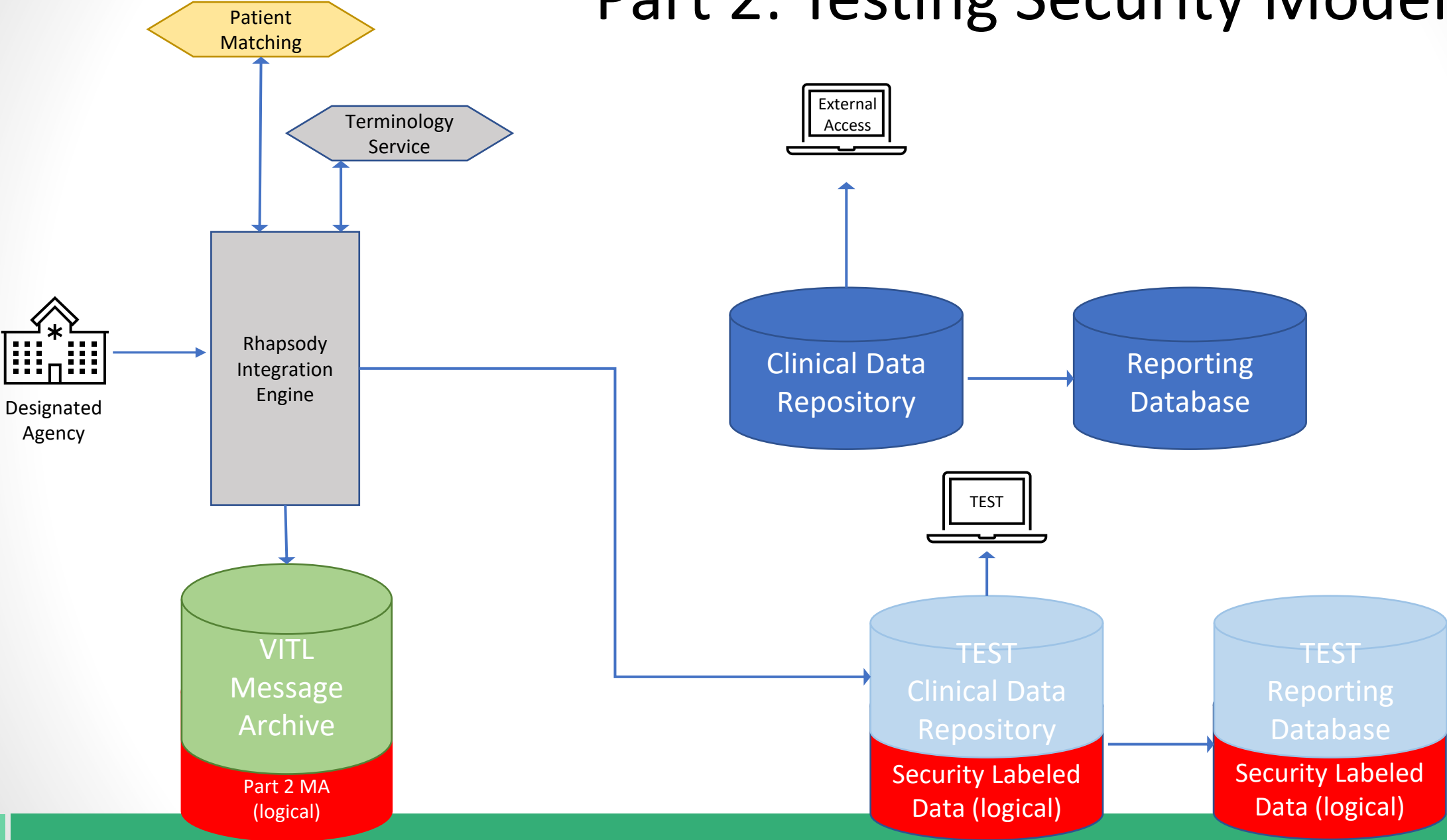
# VITL Current State



# Part 2 Data: Initial Phase

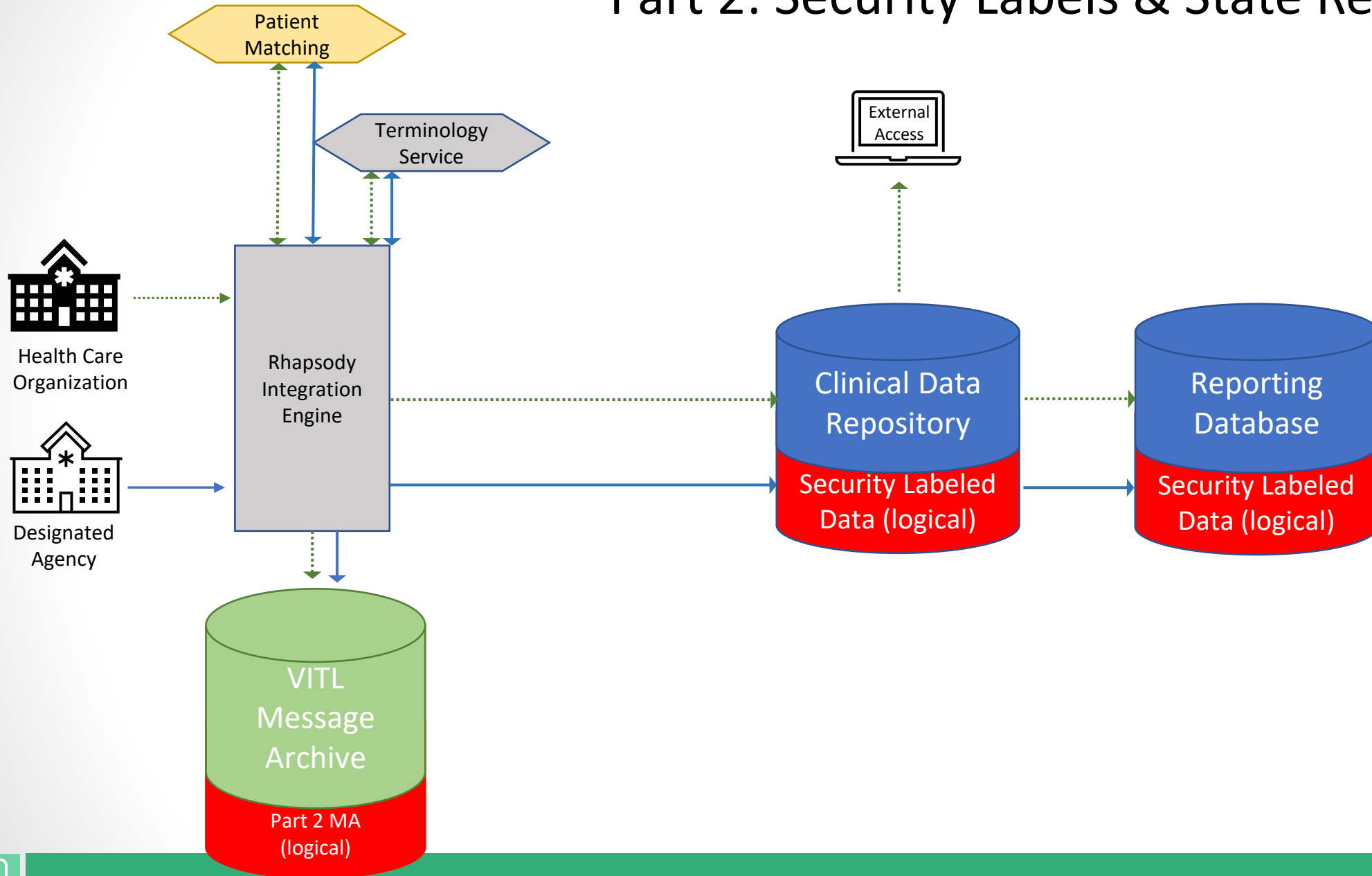


# Part 2: Testing Security Model

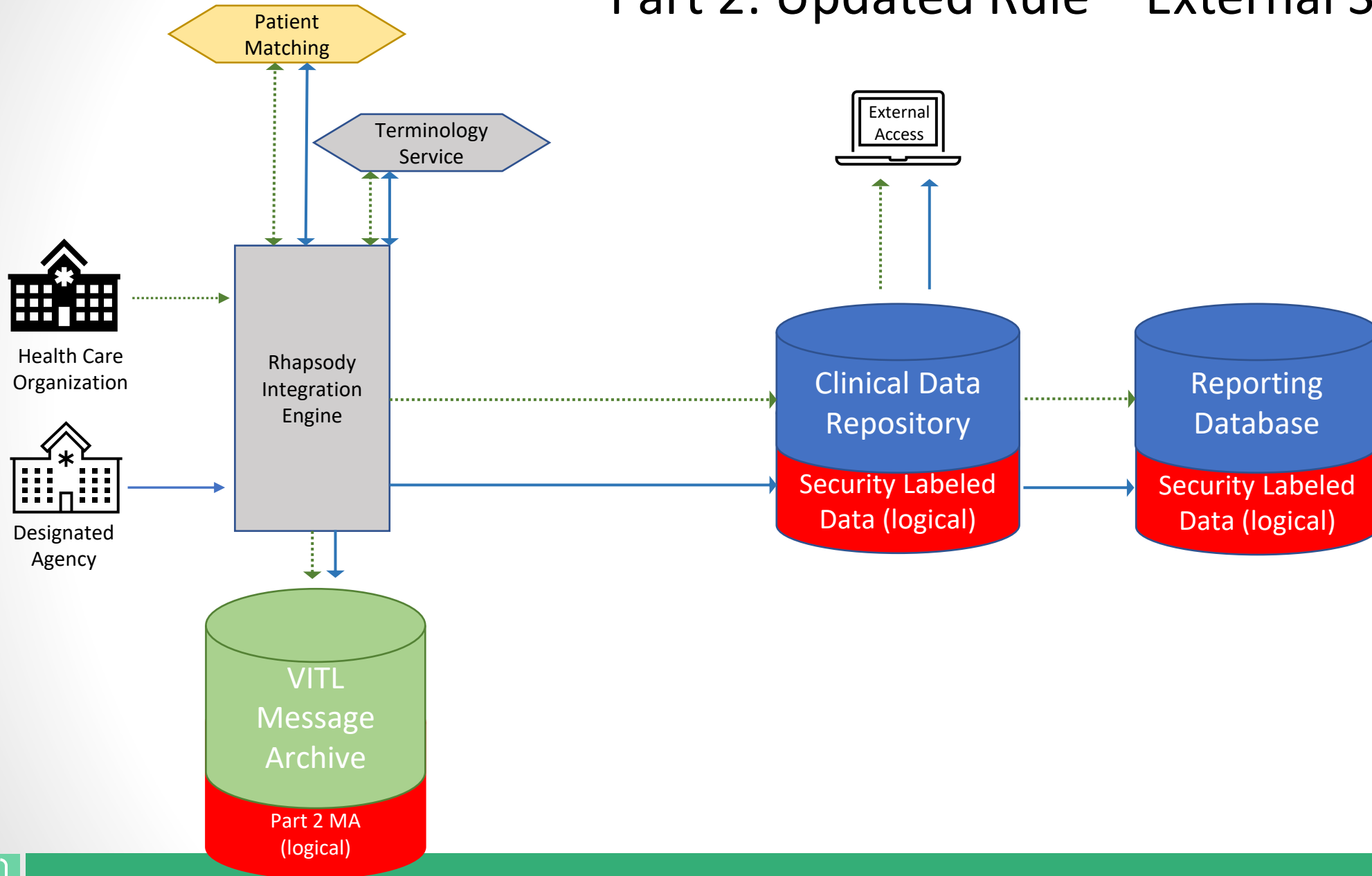




## Part 2: Security Labels & State Reporting



## Part 2: Updated Rule – External Sharing



# How VHIE Data Sharing is Authorized

- Since March 2020, the Vermont Health Information Exchange has been an opt-out health information exchange
- VITL enters into data use agreements with contributing organizations that specify how the data may be used, in accordance with State and Federal law
- The [Protocols for Access to Protected Health Information](#) on VHIE included in Appendix A of the Health Information Exchange Strategic Plan

# Patient Consent

- Opt-out model since March 2020
- VITL is committed to educating the public about data sharing and their options, and to honoring decisions to continue sharing or opt-out
- Currently 1.2% have chosen to opt-out of sharing their records on the VHIE

# VITL maintains Services Agreements (Data Use Agreements) with contributing organizations

These specify:

- Permitted Uses:
  - Treatment, payment, or health care operations
  - Query-based national exchange (eHealth Exchange DURSA)
  - Public Health
- Applicable Policies:
  - De-Identified Data Policy – allows Quality Review and/or Population Health Management
  - Secondary Use Policy – allows access by Health Plans & Accountable Care Organizations

# Protocols for Access to Protected Health Information on the VHIE (Appendix A)

*Vermont law requires that the Plan include standards and protocols for the implementation of an integrated electronic health information infrastructure for the sharing of electronic health information among health care facilities, health care professionals, public and private payers, and individuals receiving care.*

Appendix A of the State's HIE Strategic Plan specifies:

- “Permissible Purposes” to mean Treatment, Payment, Health Care Operations, and includes allowances for:
  - Health Care Organizations with a Services Agreement
  - Payers with a Data Use Agreement
  - Public Health
  - National Exchange (limited)
- De-identified data may be used for research, quality review, population health management and public health purposes, as permitted by HIPAA
- Prohibits the commercial use or sale of de-identified data

# Appendix A specifies actions related to 42 CFR Part 2

## Section 4 – SUD Identifying Records

- A. Protections necessary to prevent disclosures: The regulations set forth in 42 C.F.R. Part 2, governing records of covered substance use disorder treatment providers, require additional protections to prevent disclosure of SUD Identifying Records.
- B. VITL Responsibilities: In addition to the obligations provided elsewhere in this addendum, including those in Section 3.C, VITL, shall –
  - i. work with AHS, Part 2 Providers, and Part 2 Lawful Holders to identify and meet all applicable technical and programmatic requirements before allowing parties to access SUD Identifying Records under Sections 3, 5, or 6,
  - ii. take reasonable care to prevent unpermitted disclosure of SUD Identifying Records, including working with Part 2 Providers to appropriately identify, store, and manage, as required by law, SUD Identifying Records transmitted to VITL, and
  - iii. disclose SUD Identifying Records as permitted by law and authorized by the Part 2 Provider or Part 2 Lawful Holder or as required by law.

## May 16<sup>th</sup> Level setting / 42 CFR Part 2 provisions

- Provided and led by John Wallace – Attorney for VITL, previously with Rutland Regional Medical Center, experienced with implementing data policies with 42 CFR Part 2
- Would like to share the level setting overview with HIE Data Governance Council, FQHCs – request for VITL to record the overview (not record the Q&A part)
- Current agenda items:
  - Overview of current 42 CFR Part 2
  - Outlook of new proposed rule and summary of changes in it
  - Minor data
  - What other key areas of interest would be good to include?



# Discussion