



Stakeholder Working Session:

Consent Management Application - Chapter 798
(House Bill 1375), *Health Information Exchanges –
Electronic Health Information – Sharing and Disclosure*
(2021)

Informal Draft Amendments to COMAR 10.25.18, *Health Information
Exchanges: Privacy and Security of Protected Health Information*

JULY 16, 2024



Chapter 798 (House Bill 1375), *Health Information Exchanges – Electronic Health Information – Sharing and Disclosure* (2021)

- ▶ Establishes requirements for the State Designated Exchange, CRISP, to develop and maintain a consent management application (“CMA”)
 - The CMA must allow a person in interest to opt-out of having their electronic health information shared or disclosed by a health information exchange (“HIE”) and informs a person in interest of the electronic health information that may be shared or disclosed notwithstanding the choice to opt-out
- ▶ Aims to centralize the process for health care consumers to opt-out of having their electronic health information disclosed by a HIE
- ▶ Prohibits an HIE operating in the State (as defined by Health General §4-301(i), effective October 1, 2022) from sharing or disclosing the electronic health information of a person in interest that has opted-out of having their electronic health information shared or disclosed by an HIE
 - HIEs must obtain the opt-out status of a person in interest from CRISP before sharing or disclosing their electronic health information

Informal Draft Amendments



- ▶ The MHCC released for public comment (May 2024) informal draft amendments to COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information*
- ▶ The MHCC sought input from various HIEs on possible approaches; most stakeholders recommended that the regulations provide non-technical guidance to ensure flexibility in the design and development of the CMA

Goals For This Working Session



- ▶ Discuss select comments pertaining to the CMA provisions in the informal draft version of the amendments to COMAR 10.25.18, *Health Information Exchanges: Privacy and Security of Protected Health Information*
- ▶ Consider possible strategies for implementing the CMA that includes a blended approach that builds on technology and user policies

Note: additional working sessions will be held in July; more information is available [here](#)

Proposed CMA Regulatory Framework



- ▶ **Phase 1:** CRISP shall implement a register, database, or repository to serve as the CMA that will store personal identifiers and minimally support downloading by other HIE systems
- ▶ **Phase 2:** CRISP shall implement data feeds using industry standards that support at least weekly data deliveries from the CMA to recipient HIE systems
- ▶ **Phase 3:** CIRSP shall implement a CMA with an API that enables a standardized way to facilitate interoperability between different recipient HIE systems



Regulations

Next Steps



- ▶ Consider feedback on comments to the informal draft amendments
- ▶ Seek additional input from HIEs on potential changes to the informal draft amendments
- ▶ Aim to publish the draft regulations in the Maryland Register in the fall of 2024
- ▶ Convene additional Working Sessions:
 - **July 23rd 1:30-3:00pm ET:** Reporting of noncontrolled prescription drugs; [Chapter 296](#), *Public Health – State Designated Exchange – Health Data Utility* (2022)
 - **July 30th 1:00-2:30pm ET:** Reporting of electronic health care transactions; [Chapter 790/791](#), *Public Health – State Designated Exchange – Clinical Information* (2021)

Thank you

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