



## Health Information Exchange Policy Board

### HIE Privacy and Security Principles

April 1, 2019

#### Introduction

In 2009, the Maryland Health Care Commission (MHCC) assembled the Health Information Exchange (HIE) Policy Board (Board) to advise staff in the development and evaluation of privacy and security policies for HIEs in Maryland. Maryland law<sup>1</sup> defines an HIE as *an entity that provides or governs organizational and technical processes for the maintenance, transmittal, access, or disclosure of electronic health care information between or among health care providers or entities through an interoperable system.*

The goal of the Board is to ensure a high level of privacy and security for protected health information (PHI) exchanged through an HIE. Through an informal decision making process, the Board aims to:

- Maximize the benefit of HIE for health care consumers and providers;
- Mitigate potential privacy and security concerns for consumers;
- Promote consumer control over the use of and access to consumer health information;
- Support current law;
- Minimize overall costs to the health care system; and
- Facilitate public health and appropriate research uses.

The Board consists of a diverse group of stakeholders representing consumers, providers, payors, public health, health-affiliated businesses, and entities that regularly engage in HIE. Participating stakeholders are expected to represent their organization or, as an individual, the interest of a health care consumer. This document outlines three principles for the electronic exchange of health information meant to guide the Board's deliberation process and to clarify and support the Board's objectives. The goal of these principles is to ensure that Board participants have a shared vision for the privacy and security of electronic health information.

#### HIE Principles

##### 1. Openness and transparency

Effective exchange of health information relies on the participation of stakeholders and public trust in the privacy and security framework of the entity that provides or governs organizational and technical processes for HIE. Transparency increases confidence among consumers and other stakeholders in regards to privacy and security practices.<sup>2</sup> All stakeholders should be able to

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<sup>1</sup> Md. Code Ann., Health-Gen. §4-301 (2018).

<sup>2</sup> Esmaeilzadeh P, Sambasivan M. *Patients' support for health information exchange: a literature review and classification of key factors*. BMC Medical Informatics & Decision Making, April 2017. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5379518/>.



understand and access information relevant to procedures, policies, technology, and practices related to HIE.

## **2. Consumer participation and control**

Consumer engagement is necessary to ensure that high levels of privacy and security for PHI are maintained. Educating consumers about HIE involves providing them with easily understandable and accessible information about their PHI, how it is used, and how they can control its exchange through an HIE. In addition to promoting knowledge about HIE, State policies should support consistency in the consumer experience and enable consumers to exercise their rights in controlling the use of and access to their data.

## **3. Accountability**

Entities that regularly engage in HIE are accountable for enforcing privacy and security protections in partnership with covered entities and other business associates. Accountability and enforcement activities include but are not limited to user authentication; monitoring access logs; identifying, investigating, and acting upon unusual findings; conducting audits; and communicating with patients about the privacy and security of their health information. State policies should support accountability and enforcement activities that reflect best practices to establish trust among stakeholders.<sup>3</sup>

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<sup>3</sup> AHIMA, *HIE Management and Operational Consideration*, Journal of AHIMA, May 2011. Available at: <http://bok.ahima.org/doc?oid=105190#.XGSZDjNKiUk>.