

Jerry Brown
Governor



State Of California OFFICE OF HEALTH INFORMATION INTEGRITY (CalOHII)



May 1, 2015

Office of the National Coordinator for Health Information Technology (ONC)
U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Suite 729-D
Washington, D.C. 20201

Dear Sir or Madam:

The California Health and Human Services Agency Office of Health Information Integrity (CalOHII) is pleased to provide public comments regarding the 2015 Interoperability Standards Advisory to support the refinement of technical standards that promote interoperability of electronic health records.

CalOHII has statutory authority and responsibility to provide leadership, policy formulation, coordination, and direction for Health Insurance Portability and Accountability Act (HIPAA) implementation and ongoing oversight of State Departments throughout the State of California. Comments have been collected regarding this Notice of Proposed Rulemaking from numerous state departments covered by HIPAA.

CalOHII believes the ONC would be well served by cross referencing those unique industry driven standards with standards recognized by the U.S. National Institute of Standards and Technology (NIST) where appropriate. The 2015 Interoperability Standards Advisory highlights this position in the following excerpt:

Stakeholders should consult the information security resources made available by the National Institute of Standards and Technology (NIST), which provides up-to-date references to security standards (such as encryption) among other approaches to secure transmissions over the internet as well as guidance from the HHS Office for Civil Rights.
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CalOHII recommends that ONC consider highlighting (1) specific NIST standards that map to health care standards, and (2) the value of using the NIST health standards test bed (a sample included below). This may urge the interoperable health record community to embrace relevant standards that have already been vetted by a federal agency.

NIST Standards

Cross referencing NIST standards and market-driven standards may encourage early adoption by those federal and state organizations and institutions that have already openly embraced NIST standards. For example:

Market-driven standard addressed in Interoperability Standards Advisory	NIST equivalent
Secure Multi-Purpose Mail Extension (S/MIME), e-mail cryptographic attachment standard.	NIST Special Publication (SP) 800-49, <i>Federal S/MIME V3 Client Profile</i>
Transport Layer Security (TLS)	NIST SP 800-52, <i>Guidelines for the Selection, Configuration, and Use of Transport Layer Security (TLS)</i>
Simple Object Access Protocol (SOAP) version 1.2	Addressed in: NIST SP 1500-7 (DRAFT), <i>Big Data Interoperability Framework, Volume 7, Standards Roadmap</i>

Although the 2015 Interoperability Standards Advisory addressed Simple Mail Transport Protocol (SMTP) and S/MIME for the secure transport of encrypted messages via e-mail, CalOHII recommends that the 2015 Interoperability Standards Advisory also reference ITU X.509v3 (developed by International Telegraph and Telephone Consultative Committee, now the International Telecommunications Union) which are digital certificates that enable SMTP and S/MIME encryption.

The ONC web-site (<http://www.healthit.gov/policy-researchers-implementers/direct-project>) highlights this standard as follows:

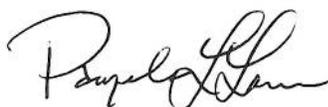
The Applicability Statement for Secure Health Transport ... describes how to use SMTP, S/MIME, and X.509 certificates to securely transport health information over the Internet. Participants in exchange are identified using standard e-mail addresses associated with X.509 certificates. The data is packaged using standard MIME content types. Authentication and privacy are obtained by using Cryptographic Message Syntax (S/MIME), and confirmation delivery is accomplished using encrypted and signed Message Disposition Notification. Certificate discovery of endpoints is accomplished through the use of both DNS and LDAP. Advice is given for specific processing for ensuring security and trust validation on behalf of the ultimate message originator or receiver.

NIST Health Standards Test bed

As mentioned above, NIST maintains a test bed for interoperability testing of many of the standards described in the document. CalOHII recommends highlighting and exploiting this resource (URL: <http://healthcare.nist.gov/NIST-TOOLS/All/index.html>).

On behalf of HIPAA-impacted departments within the State of California, I appreciate the on-going efforts of our Federal partners as we seek national interoperability.

Respectfully submitted,



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