



The Office of the National Coordinator for  
Health Information Technology  
Health IT Advisory Committee

## Annual Report Workgroup

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Aaron Miri, Co-Chair  
Carolyn Petersen, Co-Chair

December 4, 2018



# Agenda

- Call to Order/Roll Call
- Opening Remarks and Workgroup Schedule
- Deeper Dive in Privacy and Security Priority Target Area
  - » Debrief on Presentations and Readings
  - » Workgroup Discussion about Opportunities
- Planning for Workgroup Update at HITAC Meeting in December
- Public Comment
- Next Steps and Adjourn

# Meeting Schedule for Workgroup

Month	Deliverables to Review
June 20, 2018	Workgroup scope for FY18 Annual Report announced
August 2, 2018	Discuss plans for FY18 Annual Report
August 24, 2018	Landscape Analysis Outline Gap Analysis Outline
September 20, 2018	Landscape Analysis and Gap Analysis Discussion
October 18, 2018	Landscape Analysis and Gap Analysis Discussion Outline of HITAC Progress in FY18
November 9, 2018	Privacy and Security Priority Target Area
December 4, 2018	Privacy and Security Priority Target Area
January 10, 2019	FY18 Annual Report Draft
Winter/Spring 2019	FY18 Annual Report Completed as Needed
Spring 2019	Work begins on FY19 Annual Report

# Review Schedule for Full Committee

Meeting Date	Action Items/Deliverables
June 20, 2018	Subcommittee Charge Presented
September 5, 2018	Workgroup Update
October 17, 2018	Landscape Analysis and Gap Analysis Update
December 2018 TBD	Description of HITAC's Work in FY18 Reviewed
January 23, 2019	FY18 Annual Report Reviewed by HITAC
February 20, 2019	FY18 Annual Report Reviewed/Approved by HITAC
Winter/Spring 2019	FY18 Annual Report Submitted to HHS Secretary FY18 Annual Report Submitted to Congress

## Debrief from Presentations and Readings about Privacy and Security Priority Target Area

# Privacy and Security Expert Panel

- Presentations and Readings from Workgroup Meeting on 11/9/18
  - » National Committee on Vital and Health Statistics (NCVHS)
    - *“Health Information Privacy Beyond HIPAA: A 2018 Environmental Scan of Major Trends and Challenges”*
  - » National Institute of Standards and Technology (NIST)
    - Cybersecurity Framework
  - » HHS Office for Civil Rights (OCR)
    - Cybersecurity Resources
      - HIPAA Security Rule to NIST Cyber Security Framework (CSF) Crosswalk
      - Cybersecurity Guidance
      - Security Risk Assessment Tool 3.0

## **Workgroup Discussion: Privacy and Security Priority Target Area**

# Privacy and Security Priority Target Area

- Potential HITAC Activities Identified by Workgroup to Date
  - » Opportunity: Increased uniformity of information sharing policies across states. For example, address implications of the California Consumer Privacy Act of 2018.
    - Suggested HITAC Activity: Consider federal role in setting guidelines for exchange of data across states
  - » Opportunity: Support for widespread adoption of cybersecurity framework(s)
    - Suggested HITAC Activity: Consider impact of nationwide adoption of cybersecurity framework(s)
    - Suggested HITAC Activity: Delineate cybersecurity accountability for data by role



# Privacy and Security Priority Target Area

- Other Opportunities Covered During Deeper Dive
  - » Opportunity: Consider what to regulate about the Internet of Things (IoT)
    - Problem to Solve: “IoT turns data that previously was mostly static into data that is in motion most of the time...There are no governance structures or policies or frameworks or agreements or legal boundaries or anything around data in motion.” (from NCVHS report, p. 53)
    - Suggested HITAC Activity: TBD
  - » Opportunity: Address implications of European Union’s General Data Protection Regulation (GDPR) and Privacy Shield
    - Problem to Solve: Should the U.S. establish more privacy rules for health record keepers currently not covered by HIPAA as data is exchanged? (from NCVHS report, pp. 46-47)
    - Suggested HITAC Activity: TBD

# Privacy and Security Priority Target Area

- Other Opportunities Covered During Deeper Dive (continued)
  - » Opportunity: Granular levels of consent to share and disclose information
    - Problems to Solve: Current consent form collection and storage practices are static and not aligned with data in motion, i.e., consent should flow with the data; the design and use of consent forms need to become more user-centered
    - Suggested HITAC Activity: Undertake a review of emerging consent approaches and the technologies that underpin them and make recommendations for improvement of current consent approaches
  - » Opportunity: Support for and education of technology users regarding privacy and security protections, including for health and other information shared on social media
    - Problem to Solve: While social media platforms can enable collaboration, users are also vulnerable to privacy breaches and misuse of their health information
    - Suggested HITAC Activity: Identify educational approaches, technological mitigators, and potential regulatory solutions that offer improved privacy and security protections

# Privacy and Security Priority Target Area

- Other Opportunities Identified by Workgroup for Further Consideration
  - » Education about HIPAA and Confidentiality of Substance Use Disorder Patient Records (a.k.a. 42 CFR Part 2) regulation implications
  - » Continue to improve patient matching when sharing data
- Are there any suggested HITAC activities to include in the FY18 Annual Report for these opportunities?

## Workgroup Discussion:

### Planning for Update at HITAC Meeting in December

# Planning for Update at HITAC Meeting in December

- Summarize Workgroup Discussion from Workgroup Meetings on 10/18/18, 11/9/18, and 12/4/18:
  - » Share Outline of Section on HITAC Progress in FY18
  - » Share Insights from Deeper Dive in Privacy and Security Priority Target Area

To make a comment please call:

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**All public comments will be limited to three minutes.**

You may enter a comment in the  
**“Public Comment”** field below this presentation.

Or, email your public comment to [onc-hitac@accelsolutionsllc.com](mailto:onc-hitac@accelsolutionsllc.com).

*Written comments will not be read at this time, but they will be delivered to members of the Workgroup and made part of the Public Record.*



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## Meeting Adjourned

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Next Annual Report Workgroup  
meeting scheduled for  
1/10/18, 2:00-3:30 p.m. ET



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