

THSA



TEXAS HEALTH SERVICES AUTHORITY

**Office of the National Coordinator for Health IT
Interoperability and Health Information Exchange Workgroup**

Governance Subgroup

Invited testimony by Tony Gilman, CEO, Texas Health Services Authority

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I am Tony Gilman, CEO for the Texas Health Services Authority (THSA), a nonprofit corporation charged by the Texas Legislature to facilitate and coordinate the development of health information exchange (HIE) in Texas. Texas is implementing a federated, network-of-networks HIE model. Local HIE networks will be connected together and to other gateways, such as the national eHealth Exchange, and data sources, such as those maintained by state agencies, through the THSA's thin layer of state shared services called HIETexas.

With that context, I was asked to discuss what Texas is doing through the use of accreditation and certification to build confidence and trust in HIE.

Ensuring that privacy, security and accountability are maintained in the exchange of protected health information (PHI) is paramount to building trust among all participants involved in the use of electronic health records. This critical goal serves as the basis for two important programs in Texas aimed at increasing participation in our network of local HIE organizations: the Texas HIE Accreditation Program and SECURETexas: Health Information Privacy and Security Certification.

Through the Texas HIE Accreditation Program, public and private HIE organizations operating in the state will be recognized for meeting and maintaining accepted and uniform standards in the handling of protected health information. The accreditation program is designed to increase trust in HIE efforts and improve interoperability within the state. Ultimately, we believe trust will increase the number of physicians and other practitioners, hospitals, and patients participating in HIEs.

To administer the accreditation program, the THSA selected the Electronic Healthcare Network Accreditation Commission (EHNAC), a nonprofit standards development organization. THSA and EHNAC worked collaboratively to develop a program based on existing criteria and processes from EHNAC's Health Information Exchange Accreditation Program (HIEAP), while ensuring that it is aligned with Texas law and relevant guidance from the Office of the National Coordinator for Health Information Technology (ONC).

Through this program, EHNAC and THSA will review technical performance, business processes, resource management and other relevant information to ensure that accredited HIEs within Texas are interoperable with state and federal programs, and provide the private, secure and proper exchange of health information in accordance with established laws and public policy. Although the program is

voluntary, only accredited HIEs will be allowed to connect to HIETexas. Two local HIEs completed a beta of the program in July, and the program is now live.

The second program, which is the first state program of its kind, focuses on compliance with federal and state medical privacy and security laws and regulations. SECURETEXAS: Health Information Privacy and Security Certification is designed to improve the protection of health information for Texas residents by certifying that those who use and disclose PHI are in compliance with laws such as the Health Insurance Portability and Accountability Act (HIPAA) and the Texas Medical Records Privacy Act. The program looks beyond HIE organizations and focuses on any organization that touches PHI. This is important because HIE is only as strong as the weakest link connected to an HIE network.

Organizations participating in the program will be able to show that they have met state and federal privacy and security standards in order to manage risk and increase confidence in how they protect health information.

THSA selected the Health Information Trust Alliance (HITRUST) to implement the SECURETexas Program. HITRUST utilizes its Common Security Framework (CSF) to validate the compliance of organizations with various statutory and regulatory requirements, industry standards and best practices. HITRUST's CSF is the most widely adopted security framework in the U.S. health care industry, with over 85% of hospitals, health plans, PBMs, and pharmacies using the CSF. THSA and HITRUST have worked together to ensure the SECURETexas criteria include all relevant federal and state privacy and security laws and regulations.

Covered entities, as that term is defined under Texas law, can undergo an assessment using a CSF assessor organization to analyze their adherence to the relevant controls; the Texas covered entity definition includes not just HIPAA covered entities but also business associates and others. If the assessment shows sufficient compliance with the criteria, HITRUST will recommend to THSA that the entity receive certification. Smaller entities will be able to request a certification by conducting a remote assessment that would then be submitted to HITRUST for review.

Organizations that obtain a recommendation for certification from HITRUST and achieve certification from THSA will be able to leverage the certification in an action or proceeding imposing any civil or administrative penalties for violations of the Texas Medical Records Privacy Act. Covered entities, as that term is defined under HIPAA, may also use the certification as a method of demonstrating their past compliance with the HIPAA administrative simplification provisions, thus potentially mitigating damages in an action brought for a HIPAA violation.

SECURETexas is live with one hospital receiving certification, and several other hospitals and health plans pursuing certification now.

If you are interested in learning more about either of these programs, additional information is available at www.HIETexas.org.