

Key Facts and Next Steps for Arizona's New Health Information Exchange Legislation

The exchange of health information electronically, or health information exchange (HIE), is essential for Arizona to move forward in the modern health information era. Secure electronic health information sharing will improve the quality of care by getting health information to the right physician or health care provider at the right time and will reduce costs by decreasing medical errors and avoiding duplicate services. In addition, hospitals, physicians and providers will be required by the Centers for Medicare & Medicaid Services (CMS) to participate in HIE to obtain Medicare and Medicaid payment incentives for Meaningful Use of electronic health records (EHRs). In Arizona, an estimated \$500 million is available to the state through such incentives payments.



**Melissa Rutala, MPH,
CEO, Arizona Health-e
Connection**

Last April, HB 2620, sponsored by Arizona Representative Cecil Ash and supported by Arizona Health-e Connection (AzHeC), was passed by the Arizona legislature and signed by Governor Brewer. A wide range of health care stakeholders, including hospitals, consumers, physicians, health plans and government agencies played a role in drafting and supporting HB 2620; Arizona Medical Association's own David Landrith helped to spearhead passage of the bill.

How will the new legislation impact HIE?

HB 2620 offers many benefits to the health care community and patients as the health care industry's transformation to electronic health information continues. Several of the key benefits include:

Removal of Barriers to HIE

- Permits health care providers and clinical laboratories to disclose information to health information organizations (HIOs)—organizations that facilitate the HIE process—in order for an HIO to provide that information to others involved in treatment or care coordination.
- Ensures providers and laboratories have HIPAA business associate agreements in place with an HIO, which require an HIO to protect the confidentiality of health information and also subject an HIO to HIPAA enforcement by the U.S. Department of Health and Human Services (HHS) and the Arizona Attorney General's Office.
- Removes outdated requirements for “written” records or documentation.

Incorporation of New Provisions to Regulate HIOs

- Protects individual rights, including the right for a consumer to “opt-out” of participating in an HIO.
- Puts restrictions on how HIOs may use health information.
- Requires that HIOs have policies in place to protect the privacy and security of the health information they handle.

Protection of Patient Privacy

- Leaves existing privacy protections in place, including HIPAA and the Arizona medical record statutes.
- Expands the Arizona Attorney General's enforcement authority by adding hospital, clinical laboratories and HIO electronic databases to the computer tampering statute. This allows the Arizona Attorney General to prosecute outside hackers and unauthorized employee access.

- Provides new requirements for HIOs that reflect the Fair Information Practices published by the HHS Office of the National Coordinator of Health Information Technology (ONC), including the principles of openness and transparency; individual control over participation; limitations on collection and use of individual information; and information quality and accountability.

How will the legislation be operationalized by Arizona's health care system?

To ensure compliance with the new legislation, this fall AzHeC will begin working with Arizona health care stakeholders to develop policies, procedures and guidance necessary for the implementation of legislative requirements. With health IT policy development as a

main strategic focus of the organization and as the driving force behind the passage of HB 2620, AzHeC will be ideal to lead this effort within the health care community. Other key leaders in this process will include the Arizona Strategic Enterprise Technology (ASET) office, that manages the State HIE Cooperative Agreement Program – \$9.4 million in stimulus funds for HIE development - and the Health Information Network of Arizona, the soon-to-be operational statewide HIO. If you or your organization is interested in being involved in this effort, please send your contact information and indication of your interest to info@azhec.org. **AM**

About Arizona Health-e Connection (AzHeC): AzHeC is a statewide non-profit charged with leading Arizona's establishment of health information infrastructure (HII), including adoption of electronic health records and health information exchange. Learn more at www.azhec.org.

Be the Doc of the Day at the State Capitol!

Don't miss this wonderful opportunity to enhance the visibility of the medical profession and gain greater credibility with the elected officials whose decisions impact the way medicine is practiced. When you represent the Arizona Medical Association as "Physician for the Day," you provide invaluable medical assistance should any emergency arise at the Capitol complex. You are otherwise free to attend committee meetings, watch sessions of the House and Senate, and meet with individual legislators to offer your views on issues which will affect your patients' ability to receive quality health care – and your ability to provide it.



The program runs January – April/Monday – Thursday from 9 a.m. – 1 p.m.

For more information, contact Carol Wagner at 602-347-6905 or 800-482-3480 toll-free statewide.

Sign up today! Just fill out the form and FAX to 602-242-6283.

Name _____	Email address _____
Home address _____	Office address _____
City _____ State _____ ZIP _____	City _____ State _____ ZIP _____
Home Phone _____	Office phone _____
Legislative district _____	Specialty _____
Preferred day of the week (Mon. - Thurs.) _____	Preferred month _____
Have you participated in this program before? <input type="checkbox"/> Yes <input type="checkbox"/> No	Do you plan to bring someone with you? <input type="checkbox"/> Yes <input type="checkbox"/> No