

Memo



AMERICAN OSTEOPATHIC ASSOCIATION

Date: September 29, 2009

CC: John Crosby, JD, Mike Zarski, JD
Government Relations

To: Marcelino Oliva, DO, Chairman,
BOFHP, BOFHP Members

From: Angela Jeansonne, Assistant Director
Federal Affairs

RE: National Committee on Vital and Health Statistics Meeting

Personal health information was a key discussion topic at the National Committee on Vital and Health Statistics (NCVHS) September meeting. The Committee held hearings last year on Personal Health Records (PHRs) and these hearings have informed the Committee's work on a letter they are drafting to the HHS Secretary.

This letter addresses protecting privacy and security of individual health information in personal health records. **Note:** The HIT Policy Committee recently held an informational hearing on privacy and security as well. The Vice Chair of the HIT Policy Committee is Paul Tang, MD. Dr. Tang also is a member of NCVHS and he was reappointed to serve another term.

Among the recommendations being considered, consumers would have the right to: consent to use and disclosures of their information, an electronic copy of the information in their PHR in a standard format, and have the ability to add, correct or delete information that they have entered into their PHR. Common national privacy, confidentiality, and security standards should be developed for PHRs. Security standards similar to those required by HIPAA should be extended to PHRs as well. **Note:** The Committee also is in the process of developing a compendium of principles and best practices on the use of personally identifiable information.

Other items:

- **Meaningful Use** – Karen Trudel of CMS said that the agency is developing the proposed rule on meaningful use- publication will be in December. The rule will have a 60 day comment period. The final rule will be published in May 2009. She noted that the agency will look at input received from NCVHS and the HIT federal advisory committees to establish an obtainable level for meaningful use for 2011, and look at raising the bar for 2013 and 2015. **Note:** The NCVHS Committee Chair stated that he has met with Dr. David Blumenthal to update him on the Committee's work. The Chair is working to keep ONC informed, so that both entities can work effectively together. The NCVHS Workgroup on Quality likely will discuss measures for meaningful use at their October hearing.
- **E-Prescribing** -CMS continues to work and have in depth discussions with the Drug Enforcement Administration (DEA) and the Office of the National Coordinator for HIT (ONC) on e-prescribing. No timeframe was indicated for release of additional information.
- **ICD 10 and Version 5010** – Ms. Trudel stated that CMS is completing an in depth analysis of these subject areas. **Note:** It was stated by the NCVHS Chair that ICD 10 and Version 5010 changes should be considered

when thinking about meaningful use. The NCVHS Subcommittee on Standards may hold a hearing on standards such as SNOWMED in December. A specific date for the hearing has not been determined yet.

- **Certification** – Jodi Daniel of ONC stated that ONC will issue two rules with regard to certification. The first rule will be an interim final rule published in December on certification standards and criteria. The other rule will be a proposed rule on the process to become certified and will be published in December. **Note:** The HIT Implementation Workgroup, headed by the Administration's Chief Technology Officer (CTO) Aneesh Chopra will be working on the certification process.
- **Other Issues:** Jodi Daniel stated that ONC is planning to update its strategic plan and will seek stakeholder input into that process. Details have not been determined on how this will be done. ONC also is working on the process to hire a Chief Privacy Officer. This individual must be in place by February 2010 as specified in the Recovery Act.