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## Harmonizing State Privacy Law Collaborative

Florida

Kentucky

Kansas

Michigan

Missouri

New Mexico

Texas

### Challenge Addressed

During HISPC phase 1, states and territories discovered that a number of their state laws and regulations were antiquated, paper-based, and sometimes conflicted. With the adoption of electronic health information exchange becoming more prevalent, a number of states have passed, proposed, or are planning to introduce legislation related to health information technology (health IT) and health information exchange. The Harmonizing State Privacy Law Collaborative was formed to (1) develop processes and tools for states to use to work toward harmonizing disparate state laws, and (2) provide a framework for a coordinated approach among states to ensure that when states approach health IT-related reforms, they do not codify new or current variations that could make nationwide electronic health information exchange more difficult.

### Approach Developed

Representatives from seven states are currently developing a comparative analytical framework of state privacy laws that will enable individual states to identify legislative priorities. The analytical framework will also provide a roadmap and toolkit to address the challenges and benefits of pursuing legislative reform, as well as identifying other pathways that achieve similar outcomes, such as administrative rules and procurement. Through its research the collaborative intends to identify: (1) common provisions in state laws that may preclude electronic health information exchange (i.e., paper-only requirements, ink signature requirements); (2) existing state laws that address electronic health information exchange; and (3) specific areas or statutes where states have commonalities in the privacy protections for especially sensitive types of health information (i.e., HIV/AIDS, mental health, substance abuse, STDs, etc.)

### Target Audience

- State policy makers
- HISPC participants in other collaboratives

### Expected Final Deliverables

- Comparative analytical matrix of state law and roadmap for action
- Framework for legislative action