

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

HEALTH CARE: Adds conditions and protections relative to use of patient healthcare data to the La. Health Care Consumers' Right to Know law

DIGEST

Abstract: Adds conditions and protections relative to use of patient health care data to the La. Health Care Consumers' Right to Know law.

Present law, the La. Health Care Consumers' Right to Know (R.S. 40:1300.111 et seq.), provides relative to access to provider specific health care cost, quality, and outcome data on health care facilities, providers, and insurance plans. Proposed law generally retains present law and adds thereto certain conditions and restrictions for use of health care information.

Proposed law provides for definitions.

Proposed law requires the Dept. of Health and Hospitals (DHH), in consultation with the Health Data Panel created as an advisory council within the department by present law, to maintain a computerized database of personal health information of consumers in a secure environment in compliance with federal laws providing for the security of the system containing such data. Requires that in the event of a known or suspected data breach, DHH shall, within 30 days of the breach, notify each La. resident whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

Proposed law requires DHH not release confidential or protected health information collected from hospitals and other health care providers. Provides DHH shall adhere to and comply fully with appropriate privacy protection protocols that are at least as stringent as the HIPAA Privacy Rule. Provides DHH may release data collected for the purpose of conducting health care research which is a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Provides all requests for data collected shall be submitted to DHH and reviewed by DHH's Institutional Review Board. Provides DHH shall deny any requests for data that it determines will be utilized for business or commercial purposes, including but not limited to market analysis and software development. Provides DHH shall have one representative of the provider group whose data is subject to the data release on the Institutional Review Board.

Proposed law provides each data request shall state the proposed use of the data requested and include an affirmation by the recipient that no attempts will be made to combine patient level data provided for in the request with other data to identify patients and that no confidential information shall be released.

Proposed law provides DHH shall inform the Health Data Panel prior to the release of requested data collected.

(Amends R.S. 40:1300.111-1300.114; Adds R.S. 40:1300.115-1300.116)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. In proposed law relative to release of patient and provider data, specified that DHH shall not release such data to any party outside of the department or any subcontractor of an outside party.
2. In proposed law prohibiting DHH from releasing physician, facility, payer, or employer identifiers, specified that the prohibition applies to that information

when it is associated with certain patient data that DHH is also prohibited from releasing pursuant to proposed law.

3. In proposed law requiring that requests for data be submitted to DHH, specified that the data to which this requirement applies is data collected by DHH pursuant to proposed law.
4. Made technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the reengrossed bill

1. Removes the data use agreement provision.
2. Defines "confidential information".
3. Removes the requirement that changes to the mandatory health care data elements or the methodology by which data is to be reported by health care providers and health plans to DHH be approved by a majority vote of the members of the Health Data Panel and promulgated by DHH in rule.
4. Changes back to present law that the secretary of DHH may use the recommendations of the Health Data Panel to fulfill the responsibilities of DHH.
5. Changes the provision on release of data collected to provide for release by DHH. Provides for the procedure and limitations on requests.
6. Makes technical corrections.