

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

New law provides for findings and definitions.

New law requires DHH, in consultation with the Health Data Panel created as an advisory council within the department by existing 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.

New law requires that DHH not release confidential or protected health information collected from hospitals and other healthcare providers, except for the purpose of conducting healthcare research which is a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. Provides that DHH shall adhere to and comply fully with appropriate privacy protection protocols that are at least as stringent as the HIPAA Privacy Rule.

New law provides the following requirements and conditions relative to requests for data collected pursuant to new law:

- (1) All requests for data shall be submitted to DHH and reviewed by the department's Institutional Review Board.
- (2) DHH shall deny any request for data that it determines will be utilized for business or commercial purposes, including but not limited to market analysis and software development.
- (3) DHH shall have one representative of the provider group whose data is subject to the data release on the Institutional Review Board.
- (4) Each data request shall state the proposed use of the data 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.
- (5) DHH shall inform the Health Data Panel prior to the release of requested data collected pursuant to new law.

Effective Aug. 1, 2014.

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