Mapping Electronic Health Records Laws

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Presentation Overview

- ❑ **Public Health Law Program (PHLP)**
- ❑ **50-state assessment of laws addressing electronic health information**
- ❑ **Mapping the legal landscape**
- ❑ **Next steps**
- ❑ **Questions and answers**

CDC'S PUBLIC HEALTH LAW PROGRAM

CDC's PHLP: Overview

- **What we do**
  - Advance the use of law as a public health tool

- **How we do it**
  - Providing technical assistance, publications, legal epidemiology, and workforce development
  - Focusing on creating legal products—tools that can be used to inform decision-makers seeking to improve public health outcomes

- **Whom we serve**
  - CDC programs and state, tribal, local, and territorial (STLT) public health practitioners and policy makers

PHLP's Legal Epidemiology and Impact Research

- ❑ **Definitions**
  - ▪ Systematic analysis of the characteristics, scope, implementation, and impact of public health laws
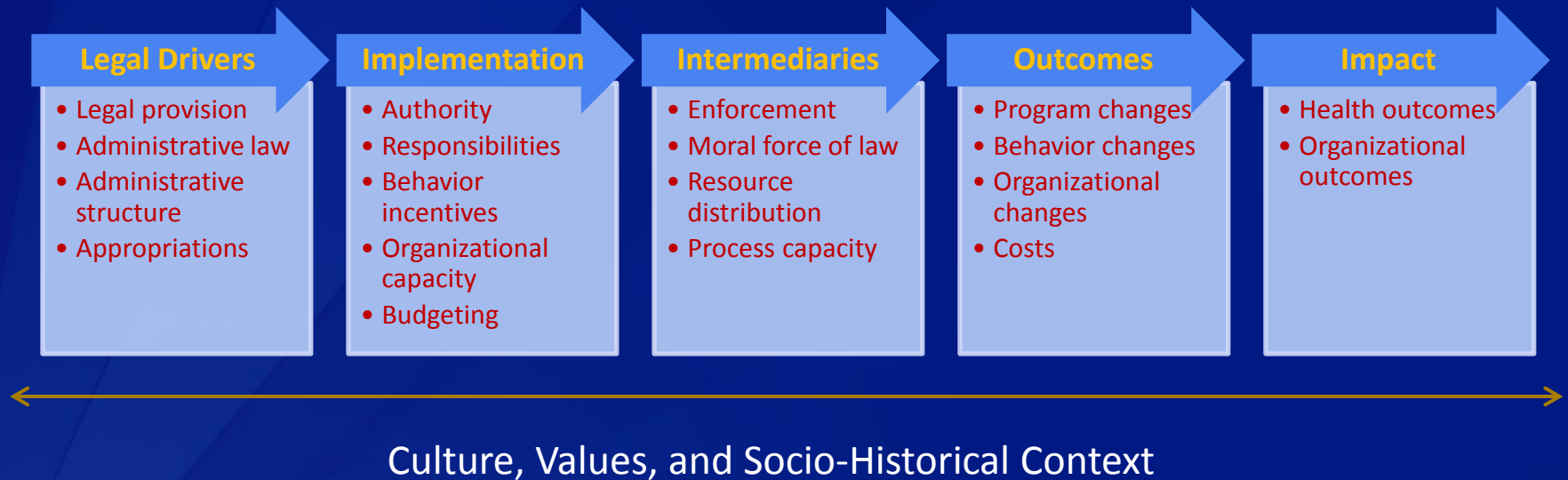
- ❑ **Goals**
  - ▪ Increase the evidence base for laws' impact on systems, outcomes, and economics
  - ▪ Identify and encourage use of current legal epidemiology research methods
  - ▪ Create a national platform for the study of laws among public health practitioners at CDC and other organizations

Legal Epidemiology and Impact Research: Services

- **"Legal assessments"—through legal research, collect, analyze, and code STLT laws that impact public health**
- **"Legal evaluations"—link findings from legal research to public health data**
  - Return on investment and economic data
  - Health statistics
  - Organizational behavior

Legal Epidemiology and Impact Research: Logic Model

❑ **The impact of public health law can be seen as a continuum with drivers, outside influences, and effects**

Legal Drivers	Implementation	Intermediaries	Outcomes	Impact
• Legal provision • Administrative law • Administrative structure • Appropriations	• Authority • Responsibilities • Behavior incentives • Organizational capacity • Budgeting	• Enforcement • Moral force of law • Resource distribution • Process capacity	• Program changes • Behavior changes • Organizational changes • Costs	• Health outcomes • Organizational outcomes

Culture, Values, and Socio-Historical Context

Legal Epidemiology and Impact Research: Legal Evaluation Case Study

❑ **Studying the impact of laws granting health departments access to electronic health information on outbreak response**

  ▪ Background: 2012 fungal meningitis outbreak

  ▪ Issues presented: remote access, query capability, data validation, home rule, what data?

  ▪ Study partners: CDC (National Center for Emerging and Zoonotic Infectious Diseases/Division of Healthcare Quality Promotion, Center for Surveillance, Epidemiology and Laboratory Services/Division of Health Informatics and Surveillance), Association of State and Territorial Health Officials

Case Study of a Legal Assessment

RESEARCH ON ELECTRONIC HEALTH INFORMATION (EHI)

Objectives for Research

❑ **Objective 1: Identify the EHI legal landscape**

❑ **Objective 2: Analyze laws pertaining to specific public health studies and existing data**

❑ **Objective 3: Provide foundation for future impact research in legal epidemiology**
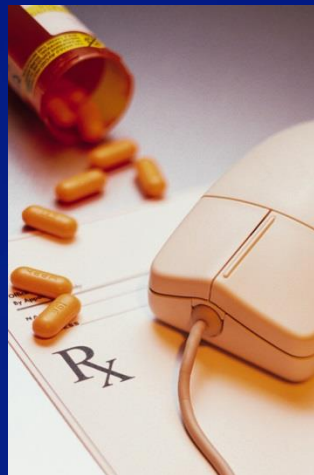
Study Focus: EHI

❑ **EHI—not electronic health records (EHR) alone**

  ▪ Legal assessment addressing EHI

    • Applicable to additional data uses

    • Useful to draw legal analogies for emerging EHI issues

    • Consistent with trend to harmonize public health and healthcare goals
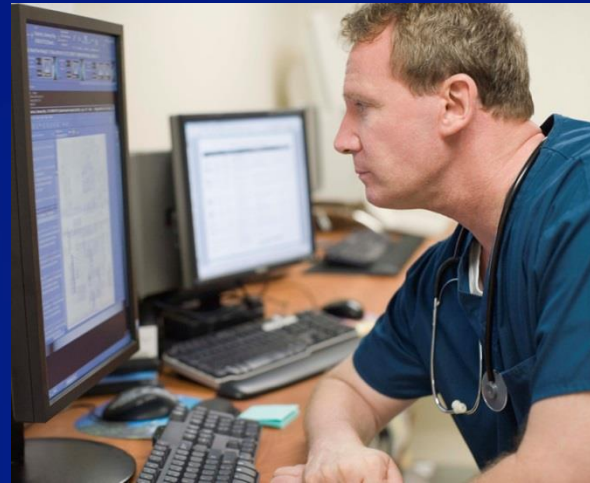
Preliminary Results

- **States have passed a significant number of laws relating to EHI**
  - Approximately 2,000 statutes and regulations
- **State legal frameworks also vary qualitatively**
  - Content covered by statutes and regulations creates differing legal environments
- **Laws often relate to more than one area of public health importance**

Preliminary Results—EHI Legal Landscape

❏ **Definitional Provisions**

- Legal definitions
- Related code sections
- Equivalence
- Health information technology standards

❏ **Data Control**

- Storage and security
- Privacy and confidentiality
- Patient access
- Health department access
- Reporting and data collection
- Healthcare provider use
- Other data uses

Preliminary Results—EHI Legal Landscape (Cont.)

- ❑ **Implementation and Infrastructure**
  - Oversight
  - Incentives
  - Sustainability
  - Enforcement and crimes
  - Health Information Exchange
  - Opt-in/opt-out provisions

- ❑ **Specific Contexts**
  - Research
  - Immunization
  - Laboratory testing
  - Insurance enrollment and claims
  - Workers' compensation
  - Vital records
  - Telemedicine
  - Mental/behavioral health
  - Developmental disability services
  - Substance abuse
  - Education
  - Detention/corrections
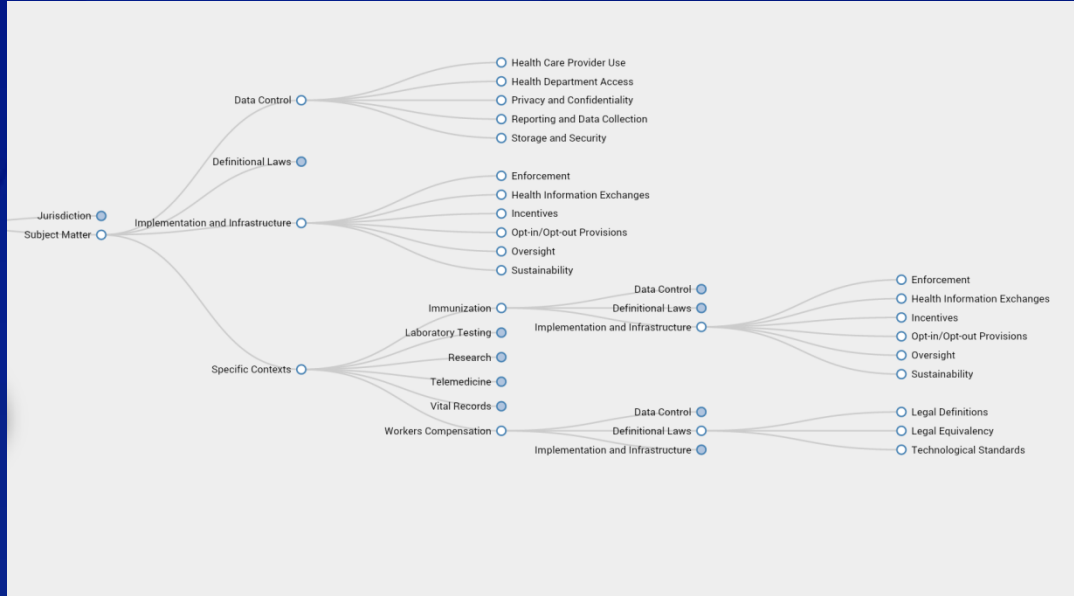
MAPPING THE EHI LEGAL LANDSCAPE

Making Data Available

❑ **Open data provides expanded utility**

❑ **Data.cdc.gov**

  ▪ A publicly available repository of CDC public health data sets

    • Data available through Application Programming Interface (API)

      ○ Allows users to use data for other applications

Utility of an EHI Legal Map

❑ **Organizes complex data**
- ▪ Includes 2,000 provisions and dozens of legal subject matters of public health concern

❑ **Orients users to the big picture**
- ▪ Depicts relationships to other relevant material

❑ **Allows users to explore details**
- ▪ Identifies specific provisions that relate to evidence-based subjects

❑ **Helps identify legal authorities**
- ▪ For public health law research
- ▪ For public health law practice

PHLP EHI MAP PROTOTYPE

Present and Future Data Utility

❑ **Potential applicability of EHI to CDC data sources**

- Demonstration pilots using Behavioral Risk Factor Surveillance System data for automated detection and reporting of disease and monitoring population health through patient surveys[1]

- Use of administrative data for surveillance[2]

- Advanced molecular detection and surveillance[3]
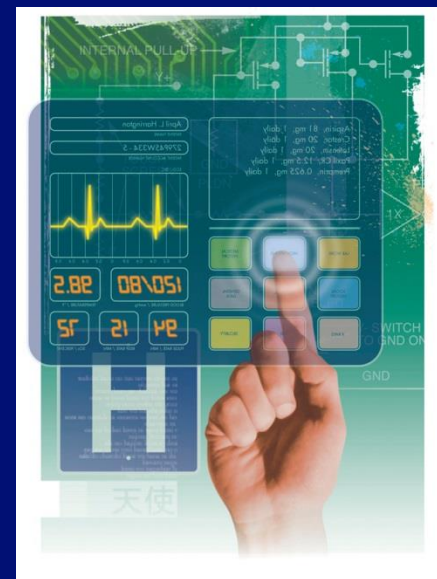
[1] CDC. Feasibility Testing: Using a Survey Participant's Responses and Electronic Health Record [website]. Updated Aug 21, 2013. Available at www.cdc.gov/brfss/rd/enhancing/connect_with_medicine.html.

[2] Amanda Elliott et al. Use of electronic health records and administrative data for public health surveillance of eye health and vision-related conditions in the United States. *American Journal of Ophthalmology* 2012;154(6):S63–70.

[3] CDC. Public Health Grand Rounds: Advanced Molecular Detection for Improving Public's Health. Dec 3, 2013. Available at www.cdc.gov/about/grand-rounds/archives/2013/pdfs/GR_AMD_Dec3.pdf.

Present and Future Data Utility

❑ **Potential big data applications**

- Big data will have a role in 21st century public health practice[4]

- National Health Care Surveys: use of blended data,[5] among many other examples

- EHI legal scan can support future state and local programmatic activity by identifying applicable authorities and functions

[4]Nathaniel Schenker. Big Data: Uses and Limitations. CDC; Sep 19, 2013. Available at www.cdc.gov/nchs/data/bsc/bscpres_schenker_091913.pdf.

[5]CDC. National Health Care Surveys [website]. Updated Dec 12, 2013. Available at www.cdc.gov/nchs/dhcs.htm.

Next Steps

- ❑ **Launch legal mapping tool**

- ❑ **Legal evaluation of EHI**
  - ▪ Specific uses of EHI
    - • EHR access during outbreaks: qualitative interviews with stakeholders from 15 states
  - ▪ Literature review for other uses of EHI
    - • Survey data analysis in collaboration with study partners
  - ▪ Select issue briefs

- ❑ **Match legal data sets to existing or proposed public health data sources**

Thank you!

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