The Future of Electronic Consent Workshop

Connecting Michigan for Health

AGENDA

9:00 **Introduction & eConsent Over the Years**
(Shreya Patel & Michael Taylor)

9:30 **Panel Discussion: eConsent Collaborative**

10:30 **eConsent for Medical Treatment**
(Dr. Berube, 5th Port)

eConsent for Advance Care Directives
(Carol Robinson)

11:00 **Introduction to Breakout Sessions**
(Michael Taylor & Lisa Moon, PhD)

11:15 **Break for Attendees to Get into Breakout Sessions**

11:30 **Technical: Constructing a Statewide Solution to Integrate into HIE**
(Michael Taylor)

Privacy/Legal: Balancing the Legal and Ethical Concerns that Accompany Patient Autonomy
Lisa Moon, PhD, Shreya Patel

12:00 Lunch Break

12:30 **Summary of Breakout Discussions & Closeout**
(Shreya Patel, Michael Taylor & Lisa Moon)

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Privacy/Legal:

Balancing the Legal and Ethical Concerns that Accompany Patient Autonomy

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Description: In the Legal and Privacy Breakout Session for the eConsent Workshop, co-facilitators Lisa Moon, PhD and Shreya Patel will discuss the balancing of Legal and Ethical Concerns that accompany eConsent.

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HIPAA Right of Access. Right of Access is the right patients have to request copies of their own medical records at little to not cost to them, and with little to no additional effort. Closely tied into this discussion will be the Centers for Medicare & Medicaid Services (CMS) Patient Access mandate of the Final Rule, which is only applicable to certain federal payers at this time.

HIPAA Meaningful Choice. Meaningful Choice is the right patients have to dictate how their records are shared across the healthcare landscape, whether that be through providers directly, EHRs, and/or HIEs. Included in this conversation is the idea of global opt out of HIE, as well as the benefits and challenges of accommodating a global opt out for patients.

Removing HIPAA Protection. We will discuss how to safeguard protected health information (PHI) as it moves from HIPAA Covered Entities (CEs) and Business Associates (BAs) to non-HIPAA-covered mobile applications, which are governed by the Federal Trade Commission (FTC).

Repurposing Health Information. We will delve into additional areas where health information could be repurposed for a patient’s benefit. For example, for matching them to certain specialists, clinical trials, social support resources, and more.

Methods of Coordination. We will discuss eConsent's ability to share information across providers (in an HIE) and its distinction from Right of Access, where patients have access to their own information and can coordinate their own care across providers.

Necessity

- How beneficial would eConsent be for your organization?

- In what ways could your organization benefit from eConsent?
  - To share specially protected behavioral health information?
  - To share advance care directives?
  - To share health information in additional contexts, such as research?
  - To share health information with family, friends, or other third parties?

Patient Control

- eConsent contemplates sharing health information at the direction of the patient.
  - Is it better if patients are able to have access to their own health information so they can physically take their information from provider to provider?
  - Are both necessary?
  - What are the benefits and disadvantages of both?

Usability

- Are patients receiving the most pertinent/helpful information by receiving their entire medical record?
  - Should it be reformatted for ease or is providing a complete transcript the only way to fulfill Right of Access?

- What are the obligations on provider and/or mobile applications to make health information easily digestible?

Patient Education

- How will patient education shape the conversation of Right of Access?
- To what extent are organizations obligated to warn healthcare consumers when they are going to lose HIPAA protection on their information?
- To what extent are organizations obligated to vet the mobile applications they will be sending a patient's health record to?

Thank you!