

State Agency HIPAA Review Board AND HIPAA Preemption

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HIPAA Review Board

- Consists of State Agencies
- Governor's Office Approval

HIPAA Review Board

- Does not include Counties or other local government entities.
- It can serve as an example of something you could put together to combine your efforts.
- Goal is that each of you wouldn't have to do everything yourself.

HIPAA Review Board

- Work Groups and Deliverables
 - Forum for Discussion
 - Assessment
 - Analyze Common Issues

HIPAA Assessment

- Directly Affected
- Indirectly Affected
 - Will you still be able to get the data you need?
 - Will the data be in the same format?

Analyze Common Issues

- Human Resources Issues
- Covered Entity Issues
- All Other Common Issues

HIPAA Preemption

- What does this mean?
 - ⇒ What law will govern?
 - ⇒ HIPAA
 - ⇒ Minnesota Law
 - ⇒ Both

HIPAA Preemption Matrix

- Prepared by DHS
 - By Mary Evenhouse (Now w Itasca Cty)
 - Referred to as Mary's Matrix

HIPAA Preemption

- Analyzes HIPAA vis a vis:
 - MN Data Practices Act (MS ch13)
 - MN Medical Records Act (MS144.335)

HIPAA Preemption

- HIPAA Review Bd is in the process of updating the Matrix per August 2002 HIPAA Privacy Amendments

HIPAA Preemption

- The Matrix is a starting point, not the end of your analysis.
=>Other statutes may regulate your entity.

HIPAA Preemption

- There is at least one other group analyzing preemption for different statutes
- => Aimed at laws affecting private practice doctors and hospitals