

## *EHRs and PHRs*

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### **Rhode Island Law To Create Health Information Exchange**



On Monday, Rhode Island Gov. Don Carcieri (R) signed into law the Rhode Island Health Information Act of 2008 to create a statewide health information exchange, the [Providence Journal](#) reports.

The state has tasked the Rhode Island Quality Institute, a private agency, to run the voluntary health data exchange. The Rhode Island Quality Institute has received a \$5 million federal grant to build the network but will seek additional funding from the state and health insurers.

Laura Adams, president and CEO of the Rhode Island Quality Institute, estimates that it will cost \$3 million to \$4 million annually for five years to build the health data exchange and then about \$1.5 million to \$2 million annually to sustain the exchange.

When the health data exchange launches in March, it will include laboratory information from Lifespan, East Side Clinical and the Department of Health laboratories, as well as medication history information from retail pharmacies. Gradually, other groups will join the health information exchange, with Adams setting a goal of connecting the entire state within five years.

#### **Patient Privacy**

The new law gives Rhode Island residents the option of participating in the health information exchange, as well as control over who can access their health records.

Residents who choose to enroll in the health information exchange can choose from three levels of privacy:

- Making their health records available only in an emergency;
- Specifying certain health care providers who can access their records; or
- Giving anyone involved in their health care access to their health records.

Patients participating in the health data exchange will be notified every time someone looks at their medical records. They also will have the ability to change their privacy level or withdraw from the system at any time.

According to the *Journal*, the law provides stronger patient privacy protections than the HIPAA medical privacy rule. Adams added that the law's \$10,000 fine for each privacy violation is greater than federal privacy penalties.

Still, Steven Brown, executive director of the Rhode Island Affiliate of the American Civil Liberties Union, raised concerns that patients will not have the ability to control what information is included in their health records.

Adams said that physicians would not participate in the health data exchange program if they did not have the assurance that patients' medical records are complete.

Brown also noted that the law does not prevent physicians from refusing to treat patients who decide not to participate in the exchange, arguing that voluntary participation may prove "illusory" (Freyer, *Providence Journal*, 9/30).