

# Addressing Law to Share IIS Data Among States

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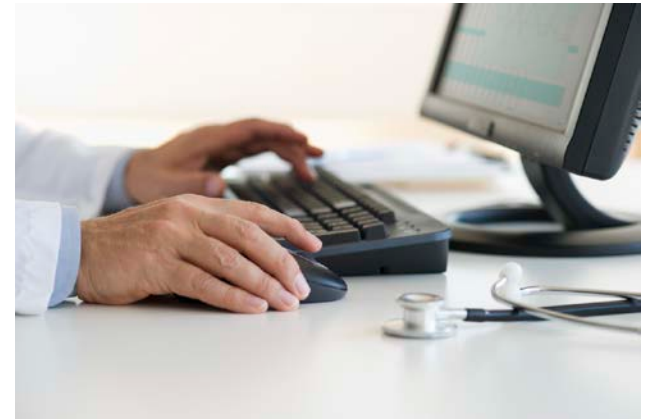
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# Who we are and what we do

- » **Launched 2010**
- » **Primary funding Robert Wood Johnson Foundation**
- » **Provide public health legal support:**
  - **Technical assistance**
  - **Resources**
  - **Opportunities to build connections**
- » **National Coordinating Center and five regional centers provide nationwide coverage**

# Using law to increase immunization

- » **Health officer authority**
- » **Exemption requirements**
- » **School exclusion of unvaccinated children during outbreaks**
- » **Collection, sharing, and protection of data**
- » **Immunization information systems**



# Legal memorandum cross-jurisdictional exchange IIS data

- » Assist public health to determine its legal authority to exchange IIS information with other jurisdictions
- » Provide practical guidance to resolve legal issues and create data sharing agreements
- » Identify approaches to facilitate nationwide exchange
- » **URL:** <http://www.astho.org/Public-Policy/Public-Health-Law/Cross-Jurisdictional-Sharing-IIS-Data/>

# Determining exchange authority

## 1. Establish facts

- Data
- Participants
- Flow

## 2. Identify law

## 3. Apply law

## 4. Establish & document terms for sharing

# General barriers to exchange

- » **State law applies – variation among states**
  - » **General vs. specific authority to exchange data**
  - » **Scope of sharing: prerequisites, conditions & limits**
  - » **Within a state – applicability of multiple laws, need to harmonize**
  - » **Variety and changing systems, manner of exchange, technological capability**
- Growing complexity, multiple points of data transfer, HIE laws



# Facilitating exchange among IIS

**“[T]he task to achieve full interoperability between each of the 64 CDC awardee immunization programs would require more than 2,000 individual data use agreements, requiring innovative solutions for shared services and governance, such as the HHS-sponsored federal Data Hub pilot project.”**

-- NVAC Statement of Support Regarding Efforts to Better Implement IIS to IIS Data Exchange Across Jurisdictions, adopted 10 February 2015, quoting Jim Daniel, ONC

# National solutions to facilitate exchange?

## » **National IIS**

- 1993: Congress rejected national IIS provisions in Child Immunization Act
- 1999: NVAC report outlines policy directions and major steps needed to establish nationwide network of community/state population-based registries

## » **Model or uniform state law**

- 2005: Model Interstate Immunization Information Sharing Statute

## » **Master data sharing agreement (e.g. vital records; cancer registries)**

## » **Piecemeal exchange among groups of states**



# Specific barriers to exchange among five states convened by ASTHO

- » **One state: no authority to disclose information to other jurisdictions**
- » **Limits on scope of authority to disclose information to other IIS**
- » **Restrictions on data elements that can be shared**
- » **Limits on use and disclosure of information by receiving state**
- » **Sending IIS' responsibility for information once sent**
- » **Deleting data when right to opt-out exercised in sending state (applicability to information previously sent)**

# Data sharing agreement to exchange IIS information

- » **Some laws require DSA**
- » **Necessary, even if not explicitly required**
- » **Sets out legal authority, terms for sharing, provides for monitoring and accountability for compliance with terms**
- » **IIS memorandum provides components to consider for DSA (Appendix C)**

# Data sharing agreement provisions

- » **Parties**
- » **Purpose**
- » **Definitions**
- » **Data to be provided (elements, frequency, method of exchange)**
- » **Incorporation, use and disclosure of data**
- » **Privacy, confidentiality, security, breach notification**
- » **Termination**
- » **Contract boilerplate** (e.g. authority, entire agreement, severability, warranties, limitation on liability, compliance with law, etc.)



**The Network**  
for Public Health Law

Ideas. Experience. Practical answers.

# Thank you!

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