

HHS Announces Proposed Rule on Patient Access to Medical Data

On September 12, 2011, HHS Secretary Kathleen Sebelius announced a proposed rule entitled, CLIA Program and HIPAA Privacy Rule; Patients' Access to Test Reports. According to HHS, the proposed rule would expand the rights of patients to access their health information through the use of health information technology (HIT) by removing a CLIA regulatory provision that is seen as imposing a barrier to the electronic exchange of health information. Specifically, the new rules would allow patients to gain access to test results reports directly from labs. The proposed rule would amend HHS's Clinical Laboratory Improvement Act of 1988 (CLIA) regulations to provide that, upon request of a patient, the laboratory may provide direct patient access to completed test results that the laboratory, using its authentication processes, can identify as belonging to the patient. The proposed rule would also amend the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule to require CLIA-certified laboratories and CLIA-exempt laboratories to provide such information, upon request, directly to individuals or their personal representatives by removing the exceptions for such labs from the provision that provides individuals with the right of access to their protected health information.

The proposed rule, which is scheduled for publication in the September 14, 2011 Federal Register, may be found at the following web address: <http://www.gpo.gov/fdsys/pkg/FR-2011-09-14/pdf/2011-23525.pdf>. Comments must be submitted by November 13, 2011.

Presidential Proclamation of September 11-17 as National Health Information Technology Week

On September 12, 2011 President Barack Obama signed a presidential proclamation designating September 11-17, 2011 as National Health Information Technology Week and urged all Americans to learn more about the benefits of Health IT by visiting HealthIT.gov, take action to increase adoption and meaningful use of Health IT, and utilize the information Health IT provides to improve the quality, safety and cost-effectiveness of health care in the United States.

The full text of the Presidential Proclamation is available at <http://www.whitehouse.gov/the-press-office/2011/09/12/presidential-proclamation-national-health-information-technology-week>.

HHS/ONC Releases Federal Health IT Strategic Plan

On September 12, 2011, the Office of the National Coordinator for Health Information Technology (ONC) released its 80-page Federal Health Information Technology Strategic Plan for 2011-2015. HHS

published the first Federal Health IT Strategic Plan in June 2008. ONC has updated and republished the Strategic Plan pursuant to the direction of section 3001(c)(3) of the Public Health Service Act, as added by the HITECH Act. It outlines five goals: (1) achieve adoption and information exchange through meaningful use of health IT; (2) improve care, improve population health and reduce health care costs through the use of health IT; (3) inspire confidence and trust in health IT; (4) empower individuals with health IT to improve their health and the health care system; and (5) achieve rapid learning and technological advancement.

The Federal Health IT Strategic Plan is available at <http://web.mediact.com/onc-emerg/FINAL-Federal-Health-IT-Strategic-Plan-0911.pdf>.