



December 10, 2015

Karynlee Harrington, Interim Executive Director
Maine Health Data Organization
102 State House Station
Augusta, ME 04333-0102

Subject: Proposed Rule Chapter 120

Dear Karynlee,

EMHS member organizations want thank you and the MHDO board members for your thoughtful and extensive work on revising Chapter 120, Release of Data. On behalf of EMHS members we offer the following comments.

- The requirements that data recipients must meet to safeguard MHDO Data should be more clearly defined. For example, MHDO could explicitly require the same standards that are required by the HIPAA Privacy and Security Rules or some other federal patient data safeguarding standard.
- We wonder why patient names and SSNs are retained as MHDO Data elements. Is retention of these data elements required for accurate assignment of an “MHDO assigned Record number” (pg. 29)? Is there another feasible way for providers to identify patients without using SSNs? If SSNs are used only to match individuals in the MHDO database to a provider’s patients, there seemingly must be a feasible way to do this matching without use of SSNs. SSN is by far the most valuable identifier to would-be identity thieves. EMHS makes every effort to remove SSNs from our own information systems except where absolutely necessary.
- Recommend language prohibiting further disclosure of MHDO Data by data recipients to subcontractors or other third parties be added to the MHDO DUA.
- The proposed rule states that no HIV status, inpatient psychiatric care or federal drug/alcohol abuse program information will be disclosed by MHDO. We wonder how this control is assured, particularly in light of the fact that procedure and diagnosis codes are included in MHDO data.

Thank you for the opportunity to comment on the proposed rule.

Sincerely,

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