

Title 22, Section 1711-C, CONFIDENTIALITY OF HEALTH CARE INFORMATION:

1. Definitions ...

E. "Health care information" means information that directly identifies the individual and that relates to an individual physical, mental or behavioral conditions, personal or family medical history or medical treatment or the health care provided to that individual. **"health care information" does not include information that protects that anonymity of the individual by means of encryption or encoding of individual identifiers of information pertaining to or derived from federally authorized or regulated research governed by ...Code of Federal Regulations... To the extent that such information is used in a manner that protects the identification of the individual. The Board of Directors of the Maine Health Data Organization shall adopt rules to define health care information that directly identifies an individual. Rules adopted pursuant to this paragraph are routine technical rules..."**

While I do not think you need to change this definition, if you want to collect PHI as the Maine Health Data Organization that is not encrypted, you would need to add an exception for MHDO to Section 1711-C(6). For example:

F. To the Maine Health Data Organization as required by and for use in accordance with Chapter 1683.