

2019

PUBLIC HEALTH LAW
SUMMIT

Data Sharing to Improve Community Health

October 3 – 4 | Plymouth, MI
networkforphl.org/summit

Join the Network for a Summit focused on strategies to collect, use, share and protect multi-sector data to improve the health of communities. The Summit will examine current data sharing initiatives and provide practical, in-depth information and tools to navigate a complex legal landscape.

Summit Agenda

Wednesday, October 2
 Pre-Conference Workshops

12:45 – 2:45 PM

*Room: Judea
 Ballroom*

Key Legal Agreements for Data Sharing

This workshop will cover the key legal agreements that are needed when engaging in cross-sector and cross-jurisdictional data sharing, including data sharing agreements, memorandum of understanding, HIPAA business associate agreements and qualified service organization agreements. The goal is to help attendees understand what each agreement covers, how each agreement should be structured and which agreements are necessary to meet their data sharing objectives.

- Jennifer Bernstein, JD, MPH, Deputy Director, the Network for Public Health Law - Mid-States Region Office

2:45 – 3:00 PM

Break

3:00 – 5:00 PM

*Room: Judea
 Ballroom*

HIPAA Hybrid Entity Rules & Tools

This workshop will provide attendees with an understanding of why the hybrid entity policy option may be beneficial, as well as what tools are needed to become a hybrid entity. This workshop is directed to fully HIPAA covered entities that are interested in exploring hybridizing, as well as hybrid entities that have not recently re-assessed their coverage status. Participants who register by August 1 will receive an invitation to submit a use case for small group discussion with hands-on application of tools from the Network's new HIPAA hybrid entity toolkit.

- Sallie Milam, JD, CIPP/US/G, Deputy Director, the Network for Public Health - Mid-States Region Office

4:00 – 6:00 PM

Evening registration

5:00 – 7:00 PM

Happy Hour (Wisdom Room)

Thursday, October 3

- 8:00 AM** **Registration opens**
- 8:00 – 9:00 AM** **Breakfast (outside of Judea Ballroom)**
- 8:45 – 10:00 AM** **Welcome and Opening Keynote**
Room: Judea Ballroom “Four Keys to Navigating the Road to Community Data Sharing”
- Vivian Singletary, MBA, JM, Director, Public Health Informatics Institute
- 10:00 – 10:15 AM** **Break**
- 10:15 AM – 12:15 PM** **Concurrent Sessions**
 Concurrent sessions based on legal parameters of collecting or sharing different types of data.
Room: Ruth
- Breakout One: Navigating Law to Share Data: Privacy and Security Fundamentals
 Building healthy communities requires access to relevant data between programs within an agency (e.g. public health department) as well as from multiple sectors, including public health, healthcare, schools, human services, housing, and law enforcement. Data are essential for identifying health threats, designing interventions, coordinating care, measuring what works and planning for policy, systems and environmental change. A complex legal landscape, and lack of knowledge and training in law, result in actual and perceived barriers to data collection, use, and sharing. This session will cover privacy and security fundamentals. It will provide a systematic approach to identifying and resolving legal issues, describing strategies to navigate law and share the most meaningful data possible while protecting privacy, promoting security, and maintaining trust.
- Denise Chrysler, JD, Director, the Network for Public Health Law – Mid-States Region Office
 - Colin Boes, JD, Privacy Specialist, Michigan Department of Health and Human Services Legal Affairs
- Room: Judith & Esther* Breakout Two: Behavioral, Mental Health and Primary Health Care
 This session examines how HIPAA, 42 CFR Part 2 and state mental health laws create designated pathways for behavioral health, mental health and primary care data collecting and sharing. All within the context of these practice areas, presenters provide an overview of identification of law by data type and data source; review permissible uses and disclosures, along with prerequisites, conditions and limitations; address application of these laws to a data sharing issue; review legal solutions, such as a consent process, disclosure for research with IRB/Privacy Board approved waiver or de-identification; and review establishing and documenting terms of data sharing. This session is designed for individuals who already have a fundamental understanding of data sharing. Participants receive an in-depth review of behavioral health, mental health and primary care law identification and navigation, along with participating in small group discussion around a variety of data collection and sharing scenarios.

- Session Leader: Sallie Milam
- Elizabeth Scurria Morgan, First Deputy General Counsel and Director, Privacy & Data Compliance Office, Massachusetts Department of Public Health

Room: Sarah

Breakout three: Education

Schools collect and maintain a vast amount of information related to students and their health. The ability to exchange data with other agencies and health care providers is important for enhancing continuity of care, improving students' health management at school, and for conducting important research. This session will present the real-world challenges of data privacy and data sharing in the K-12 setting and will assist school nurses and other school officials in ensuring a smooth two-way process of health information sharing in accordance with the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA).

- Kerri McGowan Lowrey, JD, MPH, Deputy Director and Director of Grants and Research, the Network for Public Health Law – Eastern Region Office
- Elliott Attisha, DO, FAAP, Chief Health Officer, Detroit Public Schools

12:15 – 1:30 PM

Room: Judea
Ballroom

Lunch Featured Speaker

“Understanding Tribal Data and Enhancing Tribal Sovereignty”

- Debra Gee, JD, General Counsel & Executive Officer, Chickasaw Nation

1:45 – 3:45 PM

Room: Judith & Ester

Concurrent Sessions

Breakout One: Behavioral, Mental Health and Primary Health Care

- Sallie Milam, JD, CIPP/US/G, The Network for Public Health Law
- Elizabeth Scurria Morgan, First Deputy General Counsel and Director, Privacy & Data Compliance Office, Massachusetts Department of Public Health

Room: Sarah

Breakout Two: Law Enforcement and Criminal Justice

During this session, the speakers will have a moderated discussion that covers data sharing issues related to law enforcement and criminal justice, including jail diversion, working with prosecutors and law enforcement agencies, and the role of data in specialty courts. Attendees will work through an interactive activity on law enforcement and criminal justice considerations for information sharing during a mental health emergency. Attendees will map out data workflows, identify red flag points for consent and identify opportunities to intercede by using data effectively.

- Hudson Harris, JD, MBA, Chief Engagement Officer, HarrisLogic, Incorporated
- Monika Tzoneva, JD, PhD, CHC, Compliance and Privacy Officer, Department of Community and Human Services - King County, WA

Room: Ruth

Breakout Three: Public Health and Environmental Health

Environmental factors are linked to many of today's most pressing health challenges. Yet the data that is crucial to understanding and addressing these challenges can be difficult to obtain and use, in part because the data are often collected by multiple agencies which may not work in tandem with one another. This session will explore legal strategies and obstacles associated with

collecting, using, and sharing different types of environmental health data along with legal mechanisms for protecting individual privacy while still informing the public of threats in their environment.

- Denise Chrysler, JD, Director, The Network for Public Health Law Mid-States Region Office
- Colleen Healy Boufides, JD, The Network for Public Health Law

3:45 – 4:00 PM

Break

4:00 – 5:00 PM

Room: Judea Ballroom

Afternoon Session – Informing the Public

Balancing important societal ethical interests (justice, beneficence and public good) with individual rights and protections can be a challenging issue for public health policy. This session will provide an overview of public health data de-identification as an important tool to make data more freely, safely and legally available to public health and communities while appropriately balancing public and private interests. This session will explain the process of data re-identification risk assessments in informing data disclosure policies and provide an overview of the HIPAA “statistical de-identification” provision. Attendees will develop an awareness of the efficacy of modern data de-identification methods and the importance of utilizing a combination of technical and management controls (such as data use agreements) to appropriately mitigate privacy risks in balance with public benefits.

- Daniel Barth-Jones, PhD, MPH, Assistant Professor of Clinical Epidemiology, Columbia University Mailman School of Public Health

5:30 – 7:30 PM

Reception in Atrium

Friday, October 4

8:00 AM

Registration

8:00 – 9:00 AM

Breakfast (Judea Ballroom)

9:00 – 10:15 AM

Room: Sarah

Concurrent Sessions

Breakout One: Data Governance

When health care providers, public health and others create, use and share data, governance is required to ensure that trust is maintained and interoperability risks are appropriately managed. This session highlights how governance is achieved by providing coordination and oversight through a policy framework, a decision-making body and trust agreement. Examples of governance in action will include the Data Use and Reciprocal Support Agreement, and Trusted Exchange Framework and Common Agreement. Attendees will learn how governance and interoperability improve disaster

response which saves lives and relieves stress in an emergency. Attendees will also learn how interoperability and governance reduce the burden of public health case reporting for the provider community, while improving the timeliness, accuracy and completeness of the data.

- Steve Gravely, CEO – Strategic and Legal Advisor to Healthcare Organizations, Gravely Group

Room: Ruth

Breakout Two: Open Data, FOIA and Sunshine Laws

Freedom of information laws vary widely from state to state. However, balancing individual privacy with public access to information held by the government is a common challenge. This difficulty has only increased as data grows more complex. This session will explore various frameworks for navigating this tension, and discuss legal and practical approaches to making information available to promote public health.

- Elizabeth Scurria Morgan
- Katherine Alford, JD, CIPP/US, Deputy General Counsel, Massachusetts Department of Public Health

Room: Judith

Breakout Three: Ethical Considerations of Data Sharing

Law and ethics are critical tools for resolving data use issues. This session will explore and contrast bioethics (e.g., Common Rule) and public health ethics (e.g., WHO Guidelines on Ethical Issues in Public Health Surveillance), and discuss how different ethical frameworks can lead to different conclusions and even raise novel questions. Interactive components throughout the session will provide participants opportunities to learn from their peers and share challenges. Participants will learn how public health ethics can be used as a tool to support data use projects.

- Cason Schmit, JD, Research Assistant Professor, Texas A&M University

10:15 – 10:30 AM

Break

10:30 AM – 12:00 PM

Room: Judea

Closing Session – Navigating HIPAA in a Geospatial World

When public health shares information with communities, it balances assuring the public good with the risk to individual privacy. This session examines how public health utilizes mapping technologies to monitor health status to identify and solve community health problems; diagnose and investigate health problems and health hazards in the community; inform, educate, and empower people about health issues, creating a space for public action; and, assist public health agencies in fulfilling the 10 Essential Public Health Services. Geographic information systems use geographic data, such as streets, blocks or neighborhood areas and attribute data, such as social determinants of health, and link the two in a map. Attendees learn about implementing privacy controls for useful and locally relevant map design.

- Estella Geraghty, MD, MS, MPH, GISP, Chief Medical Officer, Esri

Continuing Education Credits

Attendees are eligible for up to 13 Continuing Legal Education Credits. To receive the credits, attendees must register for the full summit AND register for Continuing Education Credits. Summit staff will apply for the credits on behalf of attendees.

For questions about the 2019 Public Health Law Summit:

- Sponsorship: Ann Phi-Wendt, Managing Director, aphiwendt@networkforphl.org
- Registration: Anna Schmalzbauer, Senior Program Manager, aschmalzbauer@networkforphl.org