

Benefits of Streamlining CA State and Federal Health Privacy Laws Stalled

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An initiative aimed at making California's health privacy laws easier to understand and more streamlined with federal standards has stalled. A year into this harmonization of state and federal standards finds the program needs focus, lacks adequate transparency and isn't providing enough opportunity for public input. CDT believes industry and consumers could benefit from the effort, but changes are needed to make the initiative a success.

The harmonization effort is aimed at eliminating conflicts, confusion and inconsistencies between the primary health privacy laws at the state and federal level. An advisory group, the Privacy and Security Steering Team (PSST), will provide its harmonizing recommendations to the [agency](#) [1] that oversees California's health privacy laws. The agency will give the recommendations to the state legislature as a proposed amendment to the state's primary health law, which, if adopted, could lead to significant changes.

Consumer's Union (CU) and CDT recently issued a [joint letter](#) [2] endorsing efforts to make health privacy and security policy in California more protective for consumers and less burdensome to industry. Success here is critical, the letter says, "to securing public trust in the use of [health information technology] to improve individual and population health."

However, both organizations expressed concerns about the lack of focus and transparency of the effort to date. CU and CDT specifically called on the PSST to release work product from the law harmonization deliberation process to include:

- detailed explanations of what legal standards each recommendation would specifically change,
- precisely how the legal standards will be changed;
- and a justification or the rationale behind each recommendation.

To better focus the project, CU and CDT also call on the PSST to consider addressing areas or issues lacking legal standards or safeguards¹ for personal health information, or areas where current policies are not well understood or insufficiently enforced. Such policy gaps allow for the use and transfer of personal health information in ways that could undermine public trust, creating an environment where individuals do not feel safe or confident utilizing HIT tools.

CDT recently became a member of the PSST and is committed to helping reach the goal of building trust in the use of HIT by making California health privacy law clearer and more comprehensive.

1. [1](#). CU and CDT, through the California HealthCare Foundation, recently published an article on specific gaps in existing policy that need to be addressed. To access the full article, visit the [Foundation's website](#). [3]

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