Health Information Exchange Assessment Codebook

This codebook describes the variables in a dataset that examines variation in state laws relating to health information exchanges (HIEs). This dataset includes laws in effect on June 7, 2016. The jurisdictions selected for measurement are the 50 states, US territories, and the District of Columbia.

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| HIE Governance | | | |
| Variable Name | Question | Answer Options | Dataset Value |
| G\_StateW | Does the law authorize implementation of a statewide HIE? | Yes  No/Not mentioned  Ambiguous | 1  2  4 |
| G\_StateW\_Ctrl | Who retains control over the statewide HIE’s operations? | State entity  State-designated entity (SDE)  State option to control  Not mentioned  Ambiguous  N/A | 1  2  3  4  5  6 |
| G\_StateW\_Ctrl\_SDE\_nonProfit | If an SDE controls the operation of the statewide HIE, is it required or authorized to function as a nonprofit corporation? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| G\_PartAgree | Does the law require HIE participants to enter into participation agreements or business associate agreements with the HIE/HIO? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Incentives | Does the law incentivize HIE participation (excluding funds to be spent solely on HIE creation or implementation)? | Financial  Nonfinancial  Both  None | 1  2  3  4 |
| G\_Oversight | Is there an entity with oversight responsibilities for the HIE? | Yes  No/Not mentioned  Ambiguous | 1  2  4 |
| G\_Oversight\_Rules | Is the state entity authorized to promulgate rules and regulations pertaining to the HIE? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| G\_Oversight\_Resolve | Is the oversight entity authorized to resolve disputes and/or levy administrative penalties related to the HIE? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| G\_Oversight\_AdvisB | Does the law authorize the creation of committees or advisory boards to assist the oversight entity? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| G\_Oversight\_Cert | Does the law require a HIE or health information organization to be certified as a prerequisite to operation? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| G\_Oversight\_Stand | Does the law require HIE participants to meet certain technical and/or interoperability standards? | Yes  No/Not mentioned  Ambiguous | 1  2  4 |
| G\_Oversight\_Compl | Does the law set forth a complaint mechanism for patients or HIE participants for adverse events related to the HIE? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| G\_Transparancy | Does the law include provisions addressing public transparency of HIE activities, including but not limited to public participation in HIE policy and public disclosures of HIE policies, operations, and activities? | Yes  No/Not mentioned  Ambiguous | 1  2  4 |
| G\_Transparancy\_Eff | Does the law provide authority to a state entity for the evaluation or measurement of the HIE’s effectiveness? | Yes  No/Not mentioned  Ambiguous | 1  2  4 |
| G\_Transparancy\_Eff\_Rep | Is the HIE required to submit reports to the public or legislature on its operations? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| G\_Transparancy\_Eff\_Aud | Does the law provide authority to a state entity for auditing HIE operations? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| G\_Ownership | Does the law address the ownership of data disclosed to the HIE? | Yes  No/Not mentioned  Ambiguous | 1  2  4 |
| G\_Ownership\_Prop | Do entities contributing to the HIE retain a property right/ownership interest over those data? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| G\_Ownership\_Prop\_HIE | Does the HIE acquire an ownership interest of submitted data? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| HIE Participants and Uses | | | |
| Variable Name | Question | Answer Options | Dataset Value |
| Use | Does the law specify the users and uses of the HIE? | Yes  No/Not mentioned  Ambiguous | 1  2  4 |
| Use\_Provid | Does the law authorize providers to access or contribute to HIE data for patient treatment? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Provid\_Desig | Does the law authorize participating healthcare facilities to designate roles within the facility for authorized HIE use? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Use\_Provid\_Mand | Does the law mandate any providers to access or contribute to HIE data? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Use\_Provid\_AdvDir | Can the HIE be used for an advanced directives registry? | Yes  No  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Patient | Are patients authorized to access their HIE data electronically through an HIE portal or user interface (i.e., excluding patient access to emailed, faxed, or mailed copies of their records)? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Patient\_Bi | Does the law authorize bidirectional communication between patients and other HIE participants (e.g., communication between patients and providers regarding their medical treatment through an HIE portal or user interface)? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Patient\_Change | Are patients authorized to use the HIE to request amendments or make revisions to their data directly through an HIE portal or user interface? | Yes, request amendments  Yes, make alterations  Both  No/Not mentioned  Ambiguous  N/A | 1  2  3  4  6  7 |
| Use\_EMS | Does the law specifically authorize emergency medical services (EMS) to access or contribute to HIE data for patient treatment? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Payer | Does the law authorize payers to access HIE data? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Payer\_Bi | Does the law address bidirectional communication between payers and other HIE participantsthrough an HIE portal or user interface? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Lab | Does the law authorize medical labs to convey medical test results through the HIE? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Research | Does the law authorize educational or other research institutions to access HIE data through an HIE portal or user interface (excluding research requiring express consent for the use of an individual’s information)? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Employer | Does the law authorize employers to access the HIE (e.g., for conveying the results of employee drug tests or background checks)? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Pharm | Does the law authorize pharmacists and pharmacies to access the HIE (e.g., for the purposes of executing prescription drug orders and documenting other pharmaceutical care)? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Pharm\_PDMP | Can the HIE be used for prescription monitoring purposes by prescribers and those dispensing prescriptions? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_Marketing | Does the law address the use of HIE data for marketing or other commercial purposes (excluding marketing or commercial purposes requiring express consent for the use of an individual’s information)? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_PH | Does the law authorize state and local health authorities to access the HIE? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_PH\_Bi | Does the law address HIE bidirectional communication between public health authorities and other HIE participantsthrough an HIE portal or user interface? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_PH\_PDMP | Can the HIE be used for prescription drug monitoring? | Yes  No  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_PH\_CaseReport | Can the HIE be used for case reporting? | Yes  No  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_PH\_IIS | Can the HIE be used for immunization reporting? | Yes  No  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_PH\_SyndSurv | Can the HIE be used for syndromic surveillance? | Yes  No  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_StateAgency | Does the law authorize any other state agency or entity (other than public health) to access the HIE? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_StateAgency\_Bi | Does the law address bidirectional communication between these state agencies and other HIE participants? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| Use\_QM | Does the law authorize the collection of data on healthcare operations and quality through the HIE? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous  N/A | 1  2  3  4  5 |
| HIE Data Protections | | | |
| Variable Name | Question | Answer Options | Dataset Value |
| Data | Are there provisions in the law designed to promote privacy, security, or confidentiality related to HIE data? | Yes  No/Not mentioned  Ambiguous | 1  2  4 |
| Data\_PtNotice | Does the law have patient notice requirements (excluding patient-initiated requests for information, such as a request for a medical record access audit log)? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_PtNotice\_Collect | …of the content of data collected or released by or through the HIE? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_PtNotice\_Entities | …of the entities with access to HIE data? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_PtNotice\_Purpose | …of the purposes for which patient data can be disclosed/used? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Correct | Is there a procedure for correcting or removing HIE data? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_HIEType | Does the law vary on data protection requirements for query-based and point-to-point HIE functions? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Privacy | Does the law require privacy protections for the HIE (excluding direct reference to state or federal privacy laws)? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Privacy\_Breach | Does the law address privacy violations or breaches? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Privacy\_PtRestrictions | Can participating patients restrict certain health information from being disclosed to the HIE or restrict certain accesses or uses by HIE participants? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Privacy\_Consent | Is patient consent required for disclosure of patient data in the HIE? | Opt-in  Opt-out  Voluntary (not specified)  No/Not mentioned  Ambiguous  N/A | 1  2  3  4  5  6 |
| Data\_Privacy\_Consent\_Change | Can patients change their consent preference? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Privacy\_Consent\_Emerg | Is there an exception to the consent requirement in emergencies? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Privacy\_Consent\_Minors | Are there specific consent requirements for minors? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Security | Does the law address administrative, technical, or physical safeguards to secure HIE data (excluding direct references to state or federal laws)? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Security\_Training | Does the law require HIE users to receive security training? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Security\_Encrypt | Does the law require minimum encryption standards of HIE data (excluding general references to interoperability standards)? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Security\_Authent | Does the law require minimum standards for authentication of user identity? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Confid | Are there express duties for providers or other HIE users to protect patient data from unauthorized accesses/disclosures? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Confid\_Subpoena | Are there provisions addressing subpoenas or other judicial court orders for HIE data? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Confid\_FOIA | Are there provisions addressing public access requests of HIE data? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Data\_Confid\_Sensitive | Does the law provide heightened protections for sensitive health information (e.g., mental health information, genetic information, HIV test results)? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Funding | | | |
| Variable Name | Question | Answer Options | Dataset Value |
| Funding | Does the law address HIE funding? | Yes  No/Not mentioned  Ambiguous | 1  2  4 |
| Funding\_Implement | Does the law specify funding sources to cover initial HIE implementation costs? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Funding\_Implement\_ST |  | *State resources* | True/False |
| Funding\_Implement\_Fed |  | *Federal resources* | True/False |
| Funding\_Implement\_Priv |  | *Private contributions* | True/False |
| Funding\_Implement\_Fee |  | *Participant fees* | True/False |
| Funding\_Longterm | Does the law specify funding sources for long-term operability? | Yes  No/Not mentioned  Ambiguous  N/A | 1  2  4  5 |
| Funding\_Longterm\_ST |  | *State resources* | True/False |
| Funding\_Longterm\_Fed |  | *Federal resources* | True/False |
| Funding\_Longterm\_Priv |  | *Private contributions* | True/False |
| Funding\_Longterm\_Fee |  | *Participant fees* | True/False |
| Liability | | | |
| Variable Name | Question | Answer Options | Dataset Value |
| Liability | Does the law provide immunity from liability for the HIE/HIO or its participants? | HIE  Healthcare provider  Both  No/Not mentioned  Ambiguous | 1  2  3  4  6 |
| Interjurisdictional Exchange | | | |
| Variable Name | Question | Answer Options | Dataset Value |
| Interjurisdiction | Does the law address the exchange of data across state borders? | Yes, authorizes it  Yes, does not authorize it  Not mentioned  Ambiguous | 1  2  3  4 |