



Connecticut Department of Public Health

Testimony Presented Before the Public Health Committee

February 24, 2016

**Commissioner Raul Pino, M.D., M.P.H.
860-509-7101**

House Bill #5346 An Act Concerning Patient Information and the All-Payer Claims Database

The Department of Public Health (“DPH”) is strongly opposed to House Bill #5346.

This bill proposes to amend Conn. Gen. Stat. §19a-25 to implement the recommendations of the Program Review and Investigations Committee (“PRIC”) concerning the protection of confidential information and confidentiality breaches. Collectively, the proposed changes are referred to as the “Revisions.”

1. The Revisions should not be placed within Conn. Gen. Stat. §19a-25.

The Revisions should not be located within Conn. Gen. Stat. §19a-25 for several reasons. First, §19a-25 is a specifically crafted law that applies to DPH and local health departments and staff committees, including those at hospitals. Not all of DPH’s programmatic work is covered by §19a-25. In fact, several other statutes also relate to issues of confidentiality at DPH. In essence, while the Revision is intended to encompass all aspects of confidentiality at DPH, §19a-25 only applies to a subset thereof.

More significantly, placing the Revisions within §19a-25, rather than in a distinct statute, reduces the clarity and accuracy of §19a-25 and substantially narrows the protections currently afforded thereunder. For example, under §19a-25, “personal data” is only one type of information that is protected from disclosure. Under the proposed Revision, the protected information is limited to information containing “personal data.”

Further, the proposed Revision eliminates the current definition of “personal data” without replacing it, thereby creating ambiguity. Also, Revision §1(a)(1) references §4e-70 for the definition of “confidential information,” yet no such section is found within this piece of legislation or the General Statutes.

As such, if it is to be enacted, the subject matter of the Revision should be enacted under a separate statutory section and should not become an unnecessary and cumbersome imposition on §19a-25.

DPH strongly opposes any revisions to §19a-25.

2. The Revisions contain substantive concerns.

It is respectfully submitted that, if the legislature wishes to further address agency confidentiality and breaches of confidentiality, the Revisions should be included as a part of a comprehensive set of confidentiality/breach statutes that govern agencies that deal with confidential data. It should not be made applicable solely to DPH, especially since the PRIC study from which the Revisions arise found no evidence of a confidentiality breach at DPH.

DPH already engages in significant efforts to maintain the appropriate confidentiality of information. DPH provides substantive, in-person, general confidentiality training to all new employees, provides employee training regarding the Health Insurance Portability and Accountability Act (“HIPAA”) and requires that all DPH employees sign a confidentiality pledge.

Since DPH already has a confidentiality pledge, it is unclear why the proposed Revision would mandate that DPH develop and implement one. This policy, which has been in use for many years, was approved by all relevant employee representative bargaining units. Developing and implementing a new confidentiality pledge within the prescribed time period would be difficult and time-consuming and would require DPH to expend significant resources to achieve a requirement that it has already satisfied.

Regarding Revision §1(e), DPH is currently developing and implementing a confidentiality breach policy independent of this proposal. It must be noted, however, that, if enacted, the requirements set forth in Revision §1(e) will be difficult to implement in a meaningful manner within the time frame prescribed, given DPH’s current staffing levels and expertise.

In conclusion, DPH strongly opposes amending Conn. Gen. Stat. §19a-25. We further respectfully submit that if the legislature wishes to address confidentiality and security breaches, it should do so as part of a comprehensive review of Chapter 55 of the General Statutes.

As always, DPH is ready and willing to assist in such an endeavor.