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October 14, 2009

Amy Zimmerman-Levitan
RI Department of Health
3 Capitol Hill
Providence, RI 02908

Dear Ms. Zimmerman-Levitan:

The Rhode Island ACLU submitted written comments at the public hearing on May 12, highlighting concerns and suggestions for R5-37.7-HIE. These comments included a request that any suggestions or concerns not addressed in the final promulgated rules be given a response in accordance with §42-35-3(a)(2):

Upon adoption of a rule, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

The "Rules and Regulations Pertaining to The Regional Health Information Organization And Health Information Exchange" have been in effect as of August 11, 2009. I spoke with you on or around September 14 and was told that you were behind with responses and would get to it soon. More than double the amount of time allowed for this response has now passed.

I would appreciate it if you could promptly advise me of when this response may be expected.

Sincerely,

A handwritten signature in black ink that reads "Amy Vitale". The signature is written in a cursive, flowing style.

Amy Vitale
Program Coordinator



Department of Health
Three Capitol Hill
Providence, RI 02908-5097
TTY: 711
www.health.ri.gov

October 22, 2009

Amy Vitale
Program Coordinator
Rhode Island Affiliate, American Civil Liberties Union
128 Dorrance Street, Suite 220
Providence RI, 02903


Dear Ms. Vitale,

The Department of Health is in receipt of your letter dated October 14, 2009 requesting information concerning the reasons why the ACLU's suggestions provided at the May 12th public hearing on the "Rules and Regulations pertaining to the Regional Health Information" Organization and Health Information Exchange" were not incorporated into the final rules and regulations that went into effect on August 11th, 2009. Kindly accept this letter as the Department's response to your inquiry.

The Rhode Island Department of Health (HEALTH) felt it had significantly addressed a number of previous concerns and comments raised by the ACLU. Rhode Island is the only state in the country with a specific health information exchange law targeted at safeguarding the privacy and confidentiality of individuals obtaining health care in Rhode Island. Therefore, it was in the best interest of the public to have the HIE Regulations go into effect in order to gain some immediate experience with the HIE regulations. It is important to note that there will be a careful review of the regulations as well as all of the policies and procedures pursuant to the regulations, as they related to the HITECH act in order to assure compliance. If it is determined that the regulations need to be amended after a period of time, suggestions will be considered at that time.

HEALTH appreciates your continued involvement and perspective on these issues and looks forward to working with you on this important project.

Sincerely,


Amy Zimmerman, MPH
Chief, Health Information Technology
401-222-1439