



CHARLIE CRIST
GOVERNOR

HOLLY BENSON
SECRETARY

Frequently Asked Questions Crosswalk Tool

What is the purpose of the crosswalk tool?

The crosswalk tool is designed to function as a searchable database where anyone can search for state laws related to privacy and health information exchange (HIE). It is designed to assist individuals in identifying and becoming aware of the applicable requirements of the federal privacy regulations arising from the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and of Florida state law and if a state statute is more stringent than HIPAA.

Where can I find more information on HIPAA?

The official government website for HIPAA is <http://www.hhs.gov/ocr/privacy/index.html>. For information on HIE in Florida, you can go to the Florida Health Information Network: <http://www.fhin.net/>

What does it mean if a state statute is more stringent than HIPAA?

In general, a State law is "more stringent" than the HIPAA Privacy Rule if it relates to the privacy of individually identifiable health information and provides greater privacy protections for individuals' identifiable health information, or greater rights to individuals with respect to that information, than the Privacy Rule does. For more information see:

<http://www.hhs.gov/ocr/privacy/hipaa/faq/state/index.html>

Why is it important to know if a Florida statute is more stringent than HIPAA?

Although the HIPAA privacy law is the federal standard regarding health information exchange, states may legislate additional privacy requirements that providers must follow.

How do I search for information on a specific statute?

Statutes are categorized by subject or keywords. One search method you can use is to enter a key word or term and search for matches. A second method is to select a subject category from the list provided. Finally, you can view a list of all terms in alphabetical order and select the terms to retrieve information.

How can you tell if a state statute is more stringent than HIPAA?

State statutes that are more stringent -- more privacy or security requirements than HIPAA or other federal law are **highlighted in yellow**.

Does the crosswalk tool provide the complete text of each federal and state statute?

No. However, it does provide internet links to Florida Administrative Code, Statutes and Federal law/regulations.

Does the crosswalk tool include information related to statutes addressing both patient care and population health (i.e., research)?

Yes. The user can select to see information related to patient care, or to see information related to privacy laws and access for purposes of population health.

What if a term or category I want to search on is not listed?

We anticipate that the crosswalk tool will continue to be updated. Please inform Dana Watson (watsonda@ahca.myflorida.com) which term is missing. The proposed addition of the term will be evaluated to determine whether it should be added as an additional descriptor and linked to CAM major subject matter categories (see below).

What is the difference between the results obtained for a key term search (option 1) and alphabetical search (option 3)?

The keyword search retrieves all uses of the keyword regardless of category and the alphabetical keyword search produces all subject matter keywords in the same category as the keyword requested.

Will the crosswalk tool be updated to reflect new legislative changes?

It is up-to-date through the 2009 Florida legislative session and we anticipate that it will continue to be updated. It includes the privacy and security provision in the American Recovery and Reinvestment Act of 2009.

What should I do if, as a result of using the crosswalk tool, I believe there has been a violation of state or federal law as it relates to my personal health information/records?

If you believe that a covered entity violated your (or someone else's) health information privacy rights or committed another violation of the Privacy Rule, you may file a complaint with Office of Civil Rights (OCR). OCR can investigate complaints against covered entities related to the Privacy Rule. For more information on how to determine if a violation has occurred and how to file a complaint, you may go to <http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html>

Can the crosswalk tool be used by individuals interested in becoming aware of the applicable requirements of the federal privacy regulations arising from the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the laws of other states?

Yes. The crosswalk tool can be adapted for use to learn about the laws of other states. However, before crosswalk tool can be used, the Comparative Analytical Matrix (CAM) must be completed with the information from the relevant state and the information entered into the crosswalk tool.

What is the Comparative Analytical Matrix (CAM)?

The CAM is a collection of almost 150 subject matter areas typically addressed by state law that involve or may impact health information exchange (e.g., treatment disclosures, public health disclosures, payment-related disclosures). The CAM is designed to facilitate the comparison and analysis of state law by providing a consistent and structured means for users to undertake the enormous task of identifying and assembling state laws involving use or disclosure of health information and all forms of electronic health information exchange. The subject matter areas serve not only as a "map" of the topics to consider when surveying health information law, but also provide the organizational framework for grouping identified laws for comparison and analysis purposes. A key component of the CAM is an evaluation of whether the state law is more stringent than the federal HIPAA or other relevant federal law.

Where can I get information on how to complete the CAM?

The CAM is part of the Roadmap toolkit developed by the Harmonizing State Law Privacy Collaborative which formed part of the Health Information Security and Privacy Collaborative (HISPC) Information on the CAM and the processes for its use will be/are available at in the Roadmap report posted at <http://healthit.hhs.gov/portal/server.pt?open=512&mode=2&cached=true&objID=1240>. You can also email Carolyn Turner at turnerc@ahca.myflorida.com.