

HIPAA State Preemption Analysis

STATE	ASSOCIATION CONTACT		PREEMPTION ANALYSIS PROJECT STATUS
Alabama	Gregg Everett	334-272-8781	Association does not have plans to do a preemption analysis.
Alaska	Heidi Goshel	907-586-1790	The Association prepared an analysis that is being reviewed by the state's Attorney General (not completed as of late Sept.)
Arizona	Sheri Jordan	602-445-4300	Analysis has been completed and is available for purchase. <i>Order form available at:</i> http://www.azhha.org/public/publications/pub_order_options.cfm?CFID=33363&CFTOKEN=28777675 Cost: AzHHA Members, \$100.00 first copy \$75.00 each additional copy All others, \$200.00 first copy \$175.00 each additional copy
Arkansas	Beth Ingram	501-224-7878	Association will not do an analysis. Association's general counsel examined state laws and determined that very few relate to HIPAA. Association considers federal HIPAA requirements as state's requirements.
California	Sherida Lane	916-443-7401	Analysis has been completed and is available for sale to members and nonmembers as part of The California <i>Patient Privacy Manual</i> . <i>Order form available at:</i> http://www.calhealth.org/public/pubs/gms/privacy.html or call 800-494-2001 or 916-928-5123 Cost: members, \$175; nonmembers, \$375
Colorado	Michael Boyson Michael.boyson@chhn.com	720-489-1630	Analysis of statutes, executive orders and district court ruling ready for release and sale. Further information available at www.cosnip.com . <i>Order form available at:</i> http://www.cosnip.com/article.php?sid=74&mode=nested&order=0 Cost: \$1,500 for nonprofit entities; \$2,500 for for-profit entities
Connecticut	Carrie Brady	203-265-7611	Association is taking analysis completed by outside counsel and developing a HIPAA operational manual that incorporates state laws analysis into instructions to hospitals regarding HIPAA implementation. Expect to complete by year's end. Manual will be distributed as a member service and since all acute care hospitals are member, it won't be for sale.
Delaware	Joe Letnaunchyn	302-674-2853	Association does not have plans to do a preemption analysis.
District of Columbia	Debi Tucker	202-682-1581	The only law to which preemption applies is the mental health law, which the Georgetown Health Privacy group already analyzed. Association covered this law in a workshop for stakeholders held June 28.
Florida	Kathy Reep	407-841-6230	Association is making available a state law preemption analysis. Sent copy to the AHA. <i>Order form available at:</i> http://www.fha.org/acrobat/HIPAAbrochure.pdf Cost: FHA members, \$175; nonmembers \$395

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Georgia	Glenn Pearson	770-249-4523	GHA, working with an outside law firm, will be incorporating preemption analysis into model policies and procedures for complying with HIPAA. Forthcoming finished product will be an operational manual and video that will enable hospital to track those that have been trained. Operational manual is for members only and is not available for sale.
Hawaii	John Kawamoto	808-521-8961	No analysis is being done because there is an assumption that it is not necessary.
Idaho	Carla Terry	208-338-5100	Association contracted with outside counsel to perform preemption analysis (target deadline is Nov. 2002). Not sure if it will be for sale.
Illinois	Pat Merryweather	630-276-5590	State Health Department is in charge of analysis. Not much work has been completed and outsourcing the work is under consideration. Results will be made public when available.
Indiana	Bernie Ulrich	317-633-4870	Preemption analysis has been completed. Outside law firm is also updating analysis and adding information. Analysis has been provided to membership. <i>Contact</i> Juli Shields at Hall, Render, Killian, Heath & Lyman Law Firm at 317/977-1456. Cost: \$500
Iowa	Maureen Keehnle	515-288-1955	Association is working with volunteer attorneys from stakeholder groups and the state's Attorney General on a statutory analysis. Group may expand analysis to include regulations, case law and AG opinions. Statutory analysis will be finished by Winter 2002. Will post results on Web site when completed.
Kansas	Fred Lucky	785-233-7436	Preemption analysis has been completed. Distributed to members as part of a HIPAA "user guide." Order form available at: http://www.kha-net.org/general/HIPAA%20Order%20Form.pdf Cost: \$50
Kentucky	Paige Clements	502-426-6220	A hospital in the state completed an analysis and made it available to all hospitals. Available for purchase. <i>Contact:</i> Becky Friend (859) 257-8186. Cost: \$185.00
Louisiana	Sean Prado	225-928-0026	Association does not have plans to do a preemption analysis.
Maine	Sandy Parker	207-622-4794	A workgroup of 17 health care attorneys in the state previously attempted the analysis but the effort was unsuccessful. Association is currently exploring how, with limited funds, to work with outside counsel to complete an analysis. Too early to estimate when analysis will be finished.
Maryland	Paul Saukauskis	410-379-6200	The State Advisory Council on Medical Privacy and Confidentiality within the Department of Health and Hygiene was legislatively appointed to conduct the analysis. A chairman has been appointed but no work has been completed. Association is pushing to get work done.

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Massachusetts	Anej Goel	781-272-8000 (ext. 140)	A set of lawyers associated with the Boston Bar Association is undertaking an analysis that should be completed by Nov. 15. MHA is an active member of the Bar Association working group. When analysis is complete, it will be made available for purchase, most likely through the Boston Bar Association's web site.
Michigan	Mark Sonneborn	517-323-3443	State bar association conducted the preemption analysis. <i>To order, call:</i> Cindy Wisner at (248) 489-6471 or Joy Berent at (313) 874-5601. Cost: Michigan State Bar Association members, \$50; nonmembers, \$200
Minnesota	Scott Anderson	651-641-1121	The Association will be working with a local law firm to undertake a preemption analysis that will be part of a HIPAA compliance manual. The manual will be a fee-for-service product.
Mississippi	Amy Arrington	601-982-3251	Obtained outside counsel for analysis. Will consider code and regulations. Analysis should be completed by Winter—will be available for purchase.
Missouri	Gerald Sill	573-893-3700	Association is developing a matrix that should be completed by December. Considering sale of matrix—no firm plans yet.
Montana	John Flink	jflink@mtha.org	Outside counsel is developing an analysis that should be completed this Summer.
Nebraska	Kevin Conway	402-458-4900	A preemption analysis was completed by outside counsel. Available for free at www.bairdholm.com/issues/hipaa/preemption.htm
Nevada	Pamela Andres	775-827-0184	No work to date, but the Association is discussing potential work with an outside attorney.
New Hampshire	Kathy Bizarro	603-225-0900	The Association is considering a passive role in the preemption analysis efforts: The New Hampshire legislature is interested in making NH the strictest privacy state in the nation and the Association does not want the preemption analysis used to find "holes" in the state's privacy laws. The Association is interested in having the state's Attorney General conduct an analysis because the AG would be responsible for enforcement in the state.
New Jersey	Karen Ali	609-275-4000	NJHA's outside counsel prepared the preemption analysis, which was issued last summer. Analysis is available for purchase by members and nonmembers. Please contact Jo Ann Morgano at 609-936-2199 for pricing information (price varies by membership status and facility type) and to order analysis.
New Mexico	Rena DiGregario	505-343-0010	The Association has partnered with stakeholders, including state government, to work on HIPAA issues. There is a workgroup on preemption that plans to post work on a public Web site.

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New York	Mark Thomas	518-431-7719	The Association itself is not conducting a preemption analysis because of its own resource constraints and that others (primarily the state) are already doing the analysis. Attorneys from all affected state agencies are completing an analysis grid and the Association anticipates that they will be asked to become part of the state workgroup when it is further along in the process. The HMO association also has hired an outside firm to do a preemption analysis.
Greater New York Hospital Association	Susan Stuard	212-246-7100	GNYHA hired the Boston-based law firm of Ropes and Gray to conduct a preemption analysis for its members. Preliminary analysis is very basic. More detailed information will be available by Nov. Analysis will probably be reimbursed for part of the cost (not determined yet). Will probably sell to outside organizations.
North Carolina	Jim Hauge	919-677-2400	An association-sponsored preemption analysis, funded with part of a Duke Endowment grant to help rural hospitals with HIPAA, has been completed and shared with every hospital in the state and shared with state government. Another analysis was done by volunteer attorneys in the state but it is not clear how similar the analysis is to the association-sponsored one. Not for sale. Any party who is not a hospital in North Carolina would have to contact the association for permission to get a copy of the analysis. Requests would be handled on a case-by-case basis.
North Dakota	Karen Haskins khaskins@ndha.org	701-224-9732	Outside counsel has completed a side-by-side analysis for the state HIPAA coalition. Association members will get a copy—distribution plan is currently being worked out.
Ohio	Mary Gallagher	614-221-7614	Group of lawyers from the state bar association health law committee and affiliated attorney society is working on a preemption analysis. Expect completion this fall.
Oklahoma	Janet Deen	405-427-9537	Preemption analysis has been completed and is available. <i>Order form available at:</i> http://www.okoha.com/StaticContent/StaticPages/Information_Services/HIPAA_OrderForm.htm Cost: OHA members, free; nonmembers, \$250.
Oregon	Gwen Dayton	503-636-2204	The Association is working in collaboration with Oregon State Bar Health Law Section, medical association and other stakeholders to conduct a preemption analysis. Also, a state Medical Privacy Committee was created by legislature to make recommendations for changes in privacy laws and will likely rely on the State Bar analysis. Will share analysis with anyone who is interested. <i>Analysis available for free online at:</i> http://www.oahhs.org/issues/hipaa/preemption_analysis.htm
Pennsylvania	Betsy Taylor	717-561-5326	A group of lawyers at “E Pennsylvania Alliance”, a group of government and private stakeholders, is conducting a preemption analysis. The Association is involved in analysis. They expect to complete the analysis this Summer.

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Rhode Island	Pat Moran	401-274-1739	Outside counsel is preparing analysis in two phases. Completed first phase and is currently working on the second. Analysis has been sent to all members. Is considering selling the product.
South Carolina	Karl Pfaehler	803-796-3080	The preemption analysis has been completed and is available on the “members only” section of the Association’s Web site. Contracted with KMZ in Chicago. The initiative was funded by the Duke Endowment which made \$1 million available to North and South Carolina to help rural facilities with HIPAA (See North Carolina above). Not for sale. Any party who is not a hospital in South Carolina would have to contact the association for permission to get a copy of the analysis. Requests would be handled on a case-by-case basis.
South Dakota	Dave Hewett	605-361-2281	There are no current laws that would preempt HIPAA requirements.
Tennessee	Mary Layne Van Cleave	615-256-8240	The Association is planning to do a preemption analysis with approval of its board and will present analysis to the state’s Attorney General for “approval.”
Texas	Matt Wall	512-465-1000	The Association’s general counsel has done an initial preemption analysis and is negotiating with a law firm to incorporate the firm’s analysis with the association’s work. The Association expects to provide an analysis to members for by the end of October. Expect product to cost about \$295 for members.
Utah	Dave Gessel	801/486-9915	The Association is putting together a workgroup—to include the state’s Attorney General, physicians, mental health representatives and association representative—to look at preemption. Expect to complete examination of all major laws by Fall 2002, although date is subject to change.
Vermont	Gregg Farnham	802-223-0364 (ext. 16)	The state is in a holding pattern on privacy legislation. There is strong interest in having the state’s Attorney General do a preemption analysis but no action has been taken yet.
Virginia	Susanne Ward	804-965-1249	The Association is organizing a group of provider associations that have a need for preemption analysis and is pooling funds to contract for a preemption analysis. The state’s Attorney General also has contracted with a firm to conduct a preemption analysis. The Association hopes to pull everyone together with the AG’s office.
Washington	Tom Byron	206-281-7211	Outside counsel will do hospital-specific analysis. Will be completed by Dec. 1. Advance copies for sale at \$200 for members and \$400 for non-members. After Dec. 1, product will be \$300 for members and \$500 for nonmembers. Order form will be available on the Web site by the end of Oct.

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West Virginia	Mike Robbins	304-344-9744	A local law firm is completing a preemption analysis. A draft is currently being reviewed. Will give to membership and will be available for further distribution (details have not been worked out).
Wisconsin	Laura Leitch	608-274-1820	A coalition of interested individuals and entities in Wisconsin is completing a preemption analysis. The analysis will be available at www.hipaacow.org .
Wyoming	Dan Perdue	307-632-9344	The Association contracted with a law firm to conduct the preemption analysis and has a draft copy available. Firm cannot complete a final version until all Federal laws are known.