

Tennessee Health Information Committee Policy Regarding Memoranda of Understanding

Legal Background

The Commissioner of the Department of Commerce & Insurance (C&I) shall collaborate with the THIC to develop procedures and safeguards to protect the integrity and confidentiality of the APCD data. Tenn. Code Ann. § 56-2-125(d)(1). The Commissioner of C&I shall, after consulting with the Tennessee Health Information Committee (THIC), execute Memoranda of Understanding (MOU) with one or more departments of state government. *Id.* at (d)(2)(B). A detailed description of the information requested and proposed use of such information shall be included in the MOU before it will be executed. *Id.* The Commissioner of Finance and Administration (F&A) will provide the requested information if the proposed use of such information enables the Commissioner of F&A to carry out the duties listed in Tenn. Code Ann. § 56-2-125(b)(1). The Commissioner of the F&A shall authorize in writing those F&A staff or designated entities that may access the ACPD, and no other staff or entity shall access the APCD. *Id.*

Policy Statement

Consistent with the requirements of the statute, the THIC shall collaborate with the Commissioners of C&I and F&A regarding the use of APCD information by authorized departments of state government. To this end:

1. The THIC shall provide consultation to the Commissioner of C&I regarding a Memorandum of Understanding (MOU) only during a duly convened meeting of the Committee at which a quorum is present.
2. The THIC shall assent to a proposed MOU only with a majority vote of members present.
3. The THIC requests the Commissioners of C&I and F&A to adopt and use the attached template MOU so as to ensure compliance with all statutory requirements.
4. Members of the THIC shall refer all requests for APCD information or proposals for MOUs to the Division of Health Care Finance & Administration (HCFA) within F&A for proper review and, if appropriate, subsequent presentation to the Committee.
5. The THIC requests that the staff of HCFA work with any entity proposing an MOU to ensure that the proposed MOU includes detailed information specifying the exact information requested and the nature and purpose(s) of the request and proposed use of the information. Additionally, the THIC requests that the staff of HCFA explain to such entities the stringent legal requirements and operational responsibilities associated with the receipt of APCD information (which are further described in the template MOU).

Attachment