

ATTACHMENT – B: Telephone Interview Guide for Legal Counsel

Form approved:
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Interviews to begin 4 weeks after project email announcement sent [Date TBD pending OMB approval]

Health Departments' Access to Electronic Health Records EXPLORATORY IN-DEPTH INTERVIEW SCRIPT FOR State Health Departments'

I. INTRODUCTION

Hello, [RESPONDENT NAME], my name is _____. Thank you for taking the time to be willing to share your opinions with me. We'll be spending the next 40 minutes or so discussing your experiences with electronic health records. We are interested in your experience with electronic health records during the 2012 fungal meningitis outbreak because that is the experience that highlighted this issue, but we are also interested in your experience with outbreaks or other situations where you might have experience with electronic health records. There are no right or wrong answers to the questions I'm going to ask you, so please provide your honest and frank opinions throughout our time together. Some of my questions may be hard to answer. Please feel free to take as much time as you need to give a response that you are happy with. If you don't understand the question, feel free to let me know, and I can ask it another way. This is not a test, so feel free to say you don't know or don't have an opinion to offer.

I am conducting interviews in twelve states across the U.S. and the information I gather will be used by the Centers for Disease Control and Prevention and The Association for State and Territorial Health Officials in the development of an electronic health record access toolkit for states. The state toolkit will include a list of barriers; suggestions to overcome those barriers; highlight best practices and policies that support electronic health record access and may include practical tools such as templates for cooperative agreements, memorandums of understanding, or policies.

Public reporting burden of this collection of information is estimated to average 40 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to CDC/ATSDR Information Collection Review Office, 1600 Clifton Road NE, MS D-74, Atlanta, Georgia 30333; ATTN: PRA (0920-0879).

Before we begin, I wanted to go over a couple of items:

- First, I want to make sure you know that this interview is **voluntary**. You can decline to answer any question, and “I don’t know” is a perfectly acceptable response to any question. There are no right or wrong answers, we are interested in your opinion.
- Second, the information you provide will be kept **anonymous**. The responses of all of the individuals I speak with will be reported as a group or at the state level and nothing will be attributed to any one person.

Lastly, I wanted to let you know that I will be audio-recording our conversation. I do this simply to ensure that I capture all the information that you share and so I can listen to what you have to say and not worry about taking notes. The recording helps me in writing my report and is used for that purpose only. After our interview has been transcribed the audio-recording will be destroyed.

Do you have any questions before we begin?
I’d like to go ahead and begin our discussion.

II. Background

1. **What is your official title?**
 - a. *What are your current responsibilities?*

III. Electronic Health Record Access

1. **What has been your experience with the health department requesting and/or getting access to electronic health records from clinical providers in your jurisdiction?**

Probes:

<i>Legal Counsel</i>	
A.	<i>What has been your role in providing advice and guidance to health department staff conducting outbreak investigations?</i>
B.	<i>What is your understanding of the laws that give your health departments’ access to health information held by health care facilities and providers?</i>
C.	<i>Can you describe any experiences you had responding to requests for assistance with gaining access to electronic health records?</i>
D.	<i>Are you aware of whether or not health department investigators have discussed or explained the applicable laws to facilities to obtain access? How is that notice provided?</i>

IV. Electronic Health Record Access

2. **How do you define electronic health record access in your jurisdiction?**

Probes:

<i>Legal Counsel</i>	
A.	<i>Have you been contacted about obtaining access to health information in electronic medical records, and have they discussed with you the type of access they are trying to obtain (i.e on-site versus remote)?</i>
B.	<i>Are you aware of any instances where health care facilities requested or required information about the health department's authorities for accessing health care information?</i>
C.	<i>Typically, what information did you provide and to whom?</i>
D.	<i>Were there differences across facilities?</i>
E.	<i>Are you aware of whether the health department has entered into any formal agreements (MOAs or MOUs) to facilitate access to electronic health records?</i>

3. **What were some of the barriers [real or perceived] you heard about or provided counsel to help address requesting and/or getting electronic health record access? [actual hurdles you experienced and hurdles you thought would be hurdles]**

Probes for Specific Roles:

<i>Legal Counsel</i>	
A.	<i>What legal concerns related to real and perceived barriers did you hear about or provide counsel on from the facilities perspective in relation to obtaining access, if any?</i>
B.	<i>Can you describe instances where health department staff requested access but did not get it and the factors that were involved?</i>
C.	<i>What, in your opinion, were the reasons facilities denied access to the information?</i> <i>a. What were the concerns?</i>

4. What are the greatest lessons that you learned when requesting and/or getting electronic health record access?

Probes:

<i>Legal Counsel</i>	
A.	<i>What suggestions do you have related to legal understanding or advice for health departments requesting electronic health record access?</i>
B.	<i>Are there any laws or interpretation/ guidance that might facilitate health department's access to electronic health records?</i>
C.	<i>What do you wish you had known about (or known more about) BEFORE requesting access?</i>
a.	<i>Are you currently working on a plan to address any of these lessons learned</i>
D.	<i>In terms of interactions and relationships with health care facilities, is there anything you are doing differently now that you weren't doing before your provided counsel for electronic health record access?</i>

5. What would you like to see in the toolkit that that could help us to address health departments' access to electronic health records?

Probes:

<i>Legal Counsel</i>	
A.	<i>What suggestions do you have for health departments with legal questions or that may need help understanding legal issues related to requesting electronic health record access?</i>
B.	<i>Are there any laws that health departments/ should consider for electronic health record access?</i>
C.	<i>Do you have particular tools, best practices and/or lessons learned that you feel are valuable to other states or jurisdictions for responding to similar situations?</i>
a.	<i>Would you be willing to share the tools with us you identified as valuable?</i>

This concludes our discussion. Thank you so much for your participation. Your work here will make a difference.