

Proposed Governor's Amendment to HB 1301

Amendment 49: Allow for the sharing of eligibility information

Item 344

Health & Human Resources

Department of Social Services

Language

Language:

Page 277, after line 13, insert:

"4. Notwithstanding any other provision of state law, for the purpose of providing information technology infrastructure services to support the modernization of eligibility determination systems in the Department of Social Services (DSS) and other activities of the Health and Human Resources (HHR) Health Information Technology/Medicaid Information Technology Architecture program, and to the extent permitted by federal law, the Virginia Information Technologies Agency, directly or through a contractor, shall have the legal authority to access, use, and view data and other records, information and statistical registries maintained by DSS, the Department of Medical Assistance Services (DMAS), and the Department of Motor Vehicles (DMV) as are necessary or useful for the above purpose. DSS, DMAS and DMV are also authorized to provide such data and other records, information and statistical registries to VITA, which shall be described in a Memorandum of Agreement (MOA) between the respective agencies for such purposes. The MOA shall specify the data to be exchanged, security requirements and the permitted use of data that are shared. VITA and its contractor shall hold such data in confidence and implement and maintain all information security safeguards defined in the MOA and required by federal and state laws and policy for the protection of sensitive data. For purposes of state law, including but not limited to the Government Data Collection and Dissemination Practices Act (§ **2.2-3800** et. seq.), Titles 63.2 and 32.1 of the Code of Virginia, and related regulations, such data and other records, information and statistical registries exchanged by these agencies are deemed necessary to assist in valid administrative needs in support of the Health and Human Resources eHHR Program. The dissemination of data by DSS, DMAS, DMV and VITA in support of the eHHR program shall not be subject to the notice requirements in § **2.2-3806(A)(2)**."

Explanation:

(This amendment provides the Departments of Social Services, Medical Assistance Services and Motor Vehicles with the legal authority, to the extent permitted by federal law, to provide data to the Virginia Information Technologies Agencies (including private contractors) in support of all projects pursued as part of the existing health information technology/Medicaid information technology architecture program within the Secretariat.)