



# US National Digital Health ID

It's already here!

Your privacy



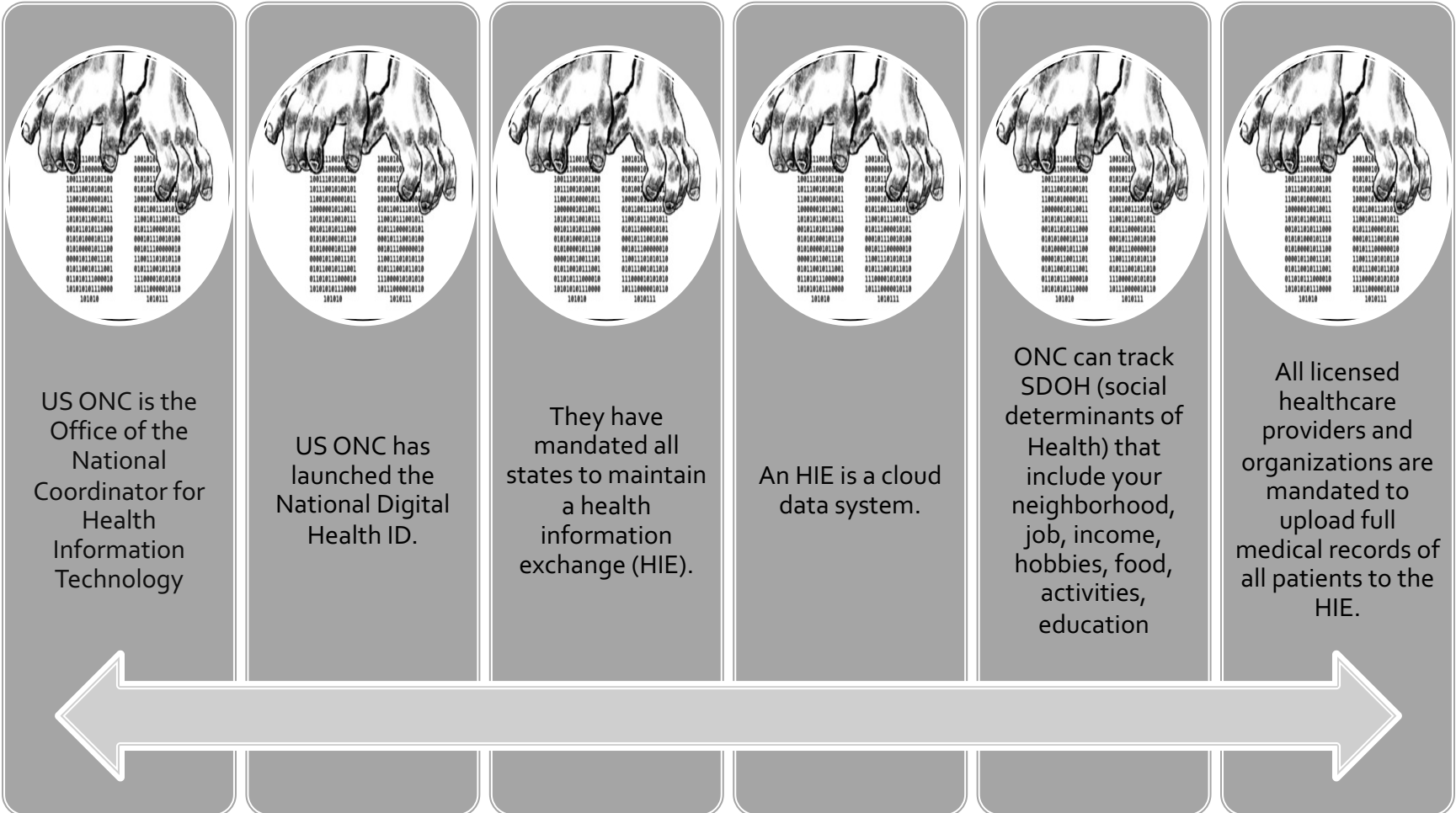
Your medical records



Your consent

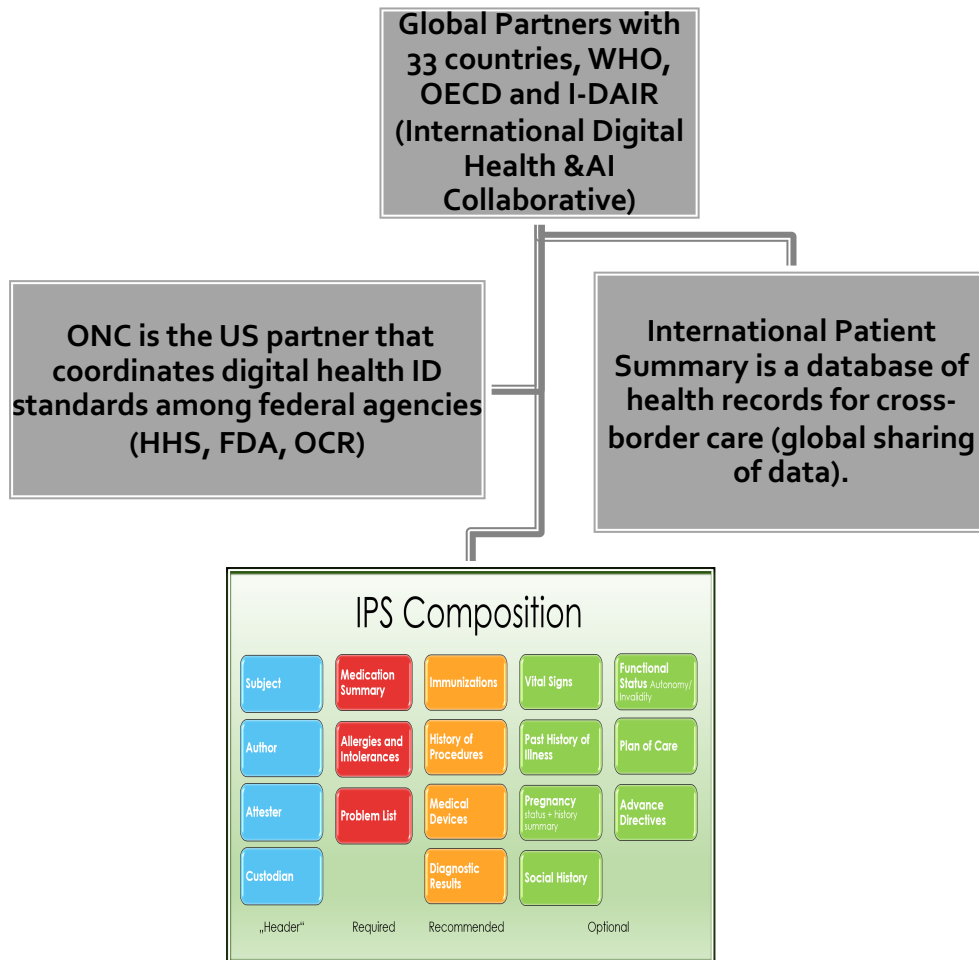
For more information: <https://maloneinstitute.org/nationalid>

# ONC National Digital Health ID



For more information: <https://maloneinstitute.org/nationalid>

# ONC, Global Digital Health Partnerships & International Patient Summaries



As posted on Twitter



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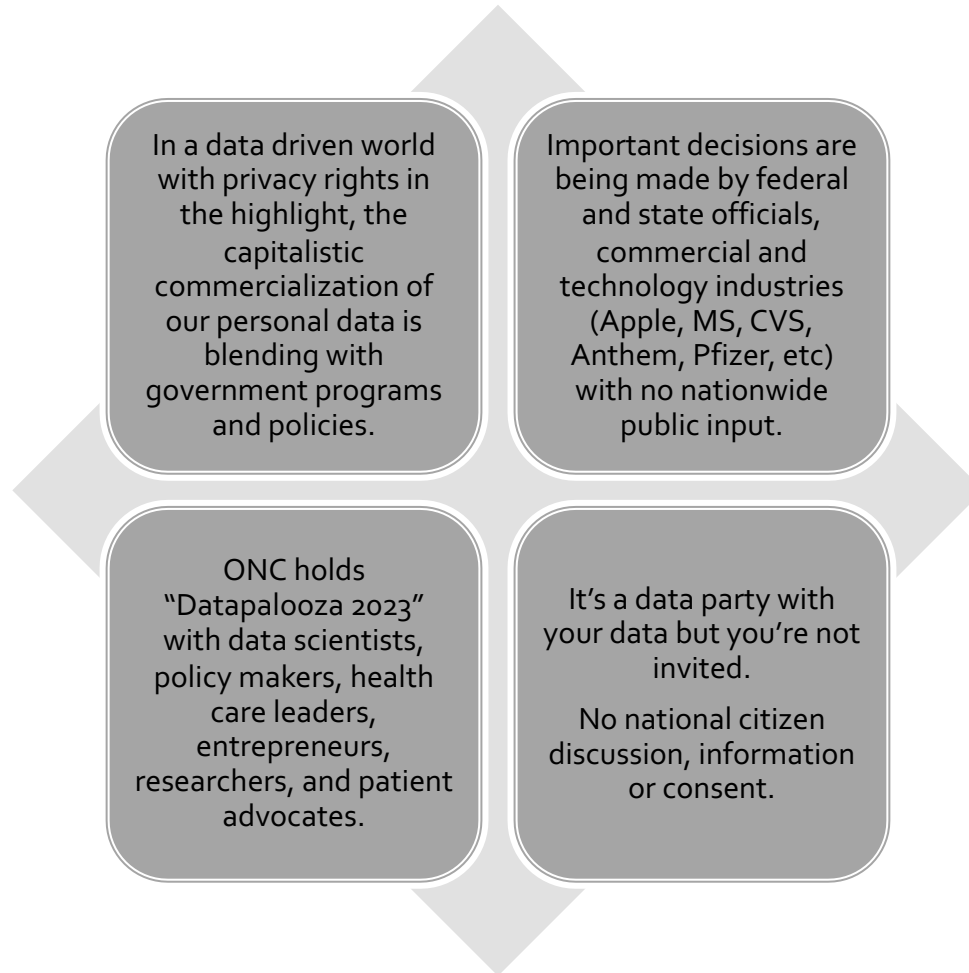


**ONC** @ONC\_HealthIT · Mar 25  
 SUBMIT YOUR FEEDBACK: The Global Digital Health Partnership Cyber Security Workstream seeks input on a Draft Global eHealth Model Security Notice (MSN). Submit your feedback by April 10, 2023. [gdhp.health/global-ehealth...](https://gdhp.health/global-ehealth...) #GDHP

gdhp.health  
 Global eHealth Security Notice - Global Digital ...

For more information: <https://maloneinstitute.org/nationalid>

# Your medical records are valuable data



For more information: <https://maloneinstitute.org/nationalid>

# What about HIPAA?

- HIPAA provides minimum standards on privacy. Basically, it states records are private, with the following exceptions:

**Exemption 1** When mandated to report for safety risks to self or others, including child abuse.

**Exemption 2:** With signed written informed consent that names who is authorized to receive the information, what information, for what purpose with minimum necessary.

**Exception 3.** For public safety, public health risk, law enforcement, judicial proceedings, and as required by law.

**Exception 4.** To conduct business operations, utilizing a business associate agreement (BAA).. This usually involves office staff, billing, collections & accounting.

Notice the number of issues being framed as "public health" matter. Guns, misinformation, loneliness, etc.

This is the loophole being used to bypass informed consent. Providers are mandated to have BAA with HIEs.

# Business Associate Agreement (BAA)

BAA is a contract for business operations. Office manager, biller, scheduler, accounting, insurers, collections, cleaning, legal defense. It is specific.



ONC and States are mandating providers to sign a BAA with HIE, thereby having a business agreement that doesn't require informed consent.



Some states, including CT, have BAAs that state unless a citizen opts-out, their consent is assumed or not required.

For more information: <https://maloneinstitute.org/nationalid>

# What is Informed Consent?



Written or verbal (in emergencies) permission.



Authorization to release protected health information (PHI) to a specific provider, for a specific purpose, with the minimal necessary specific information.



BAAs for HIEs bypass citizens' informed consent, confidentiality and medical privacy rights.



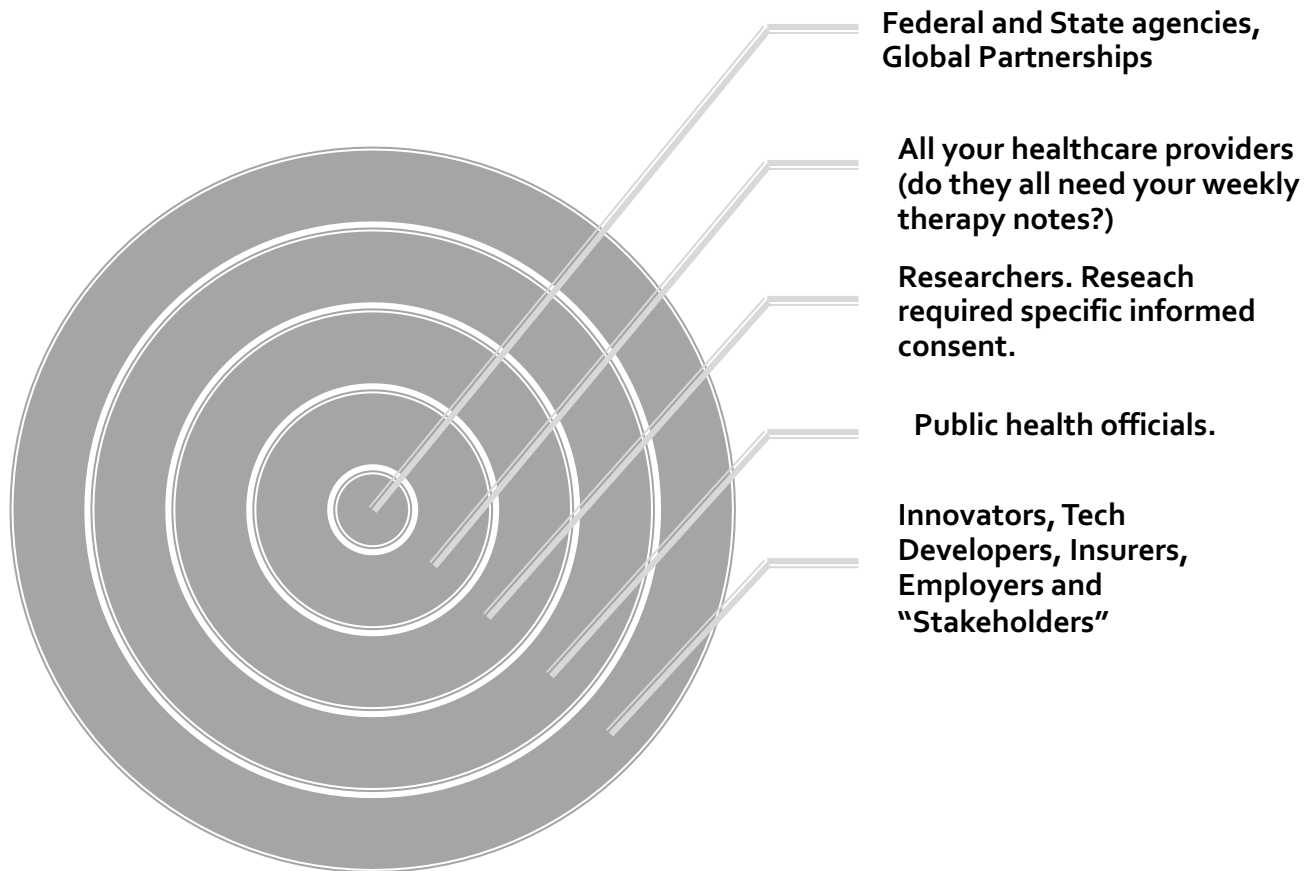
This is highly unethical and violates provider licensing requirements for confidentiality.



HIE won't inform who your data is released to, sold to (they call it "fees & cost shares"), how it's used, it's not minimum necessary, it's not requested, and not de-identified.

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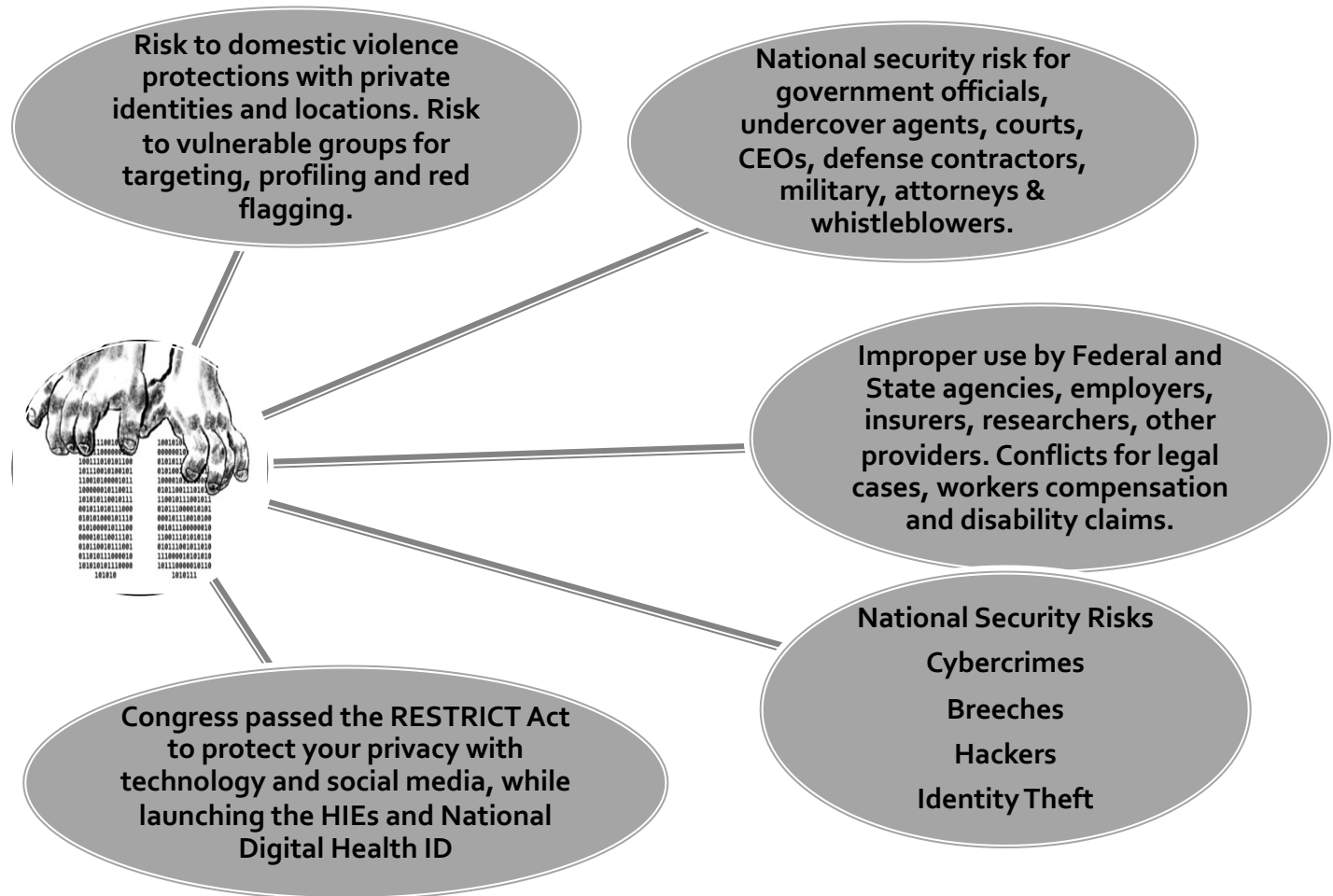
# Who Gets Access



For more information: <https://maloneinstitute.org/nationalid>



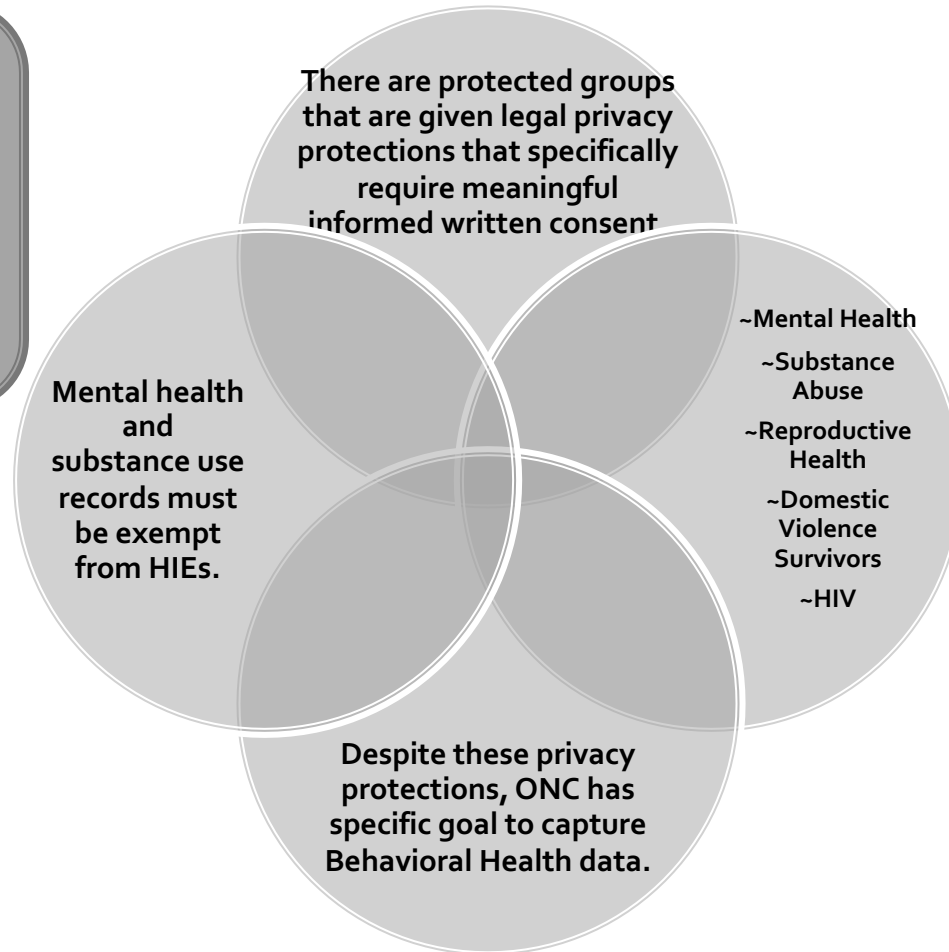
# Risks for Digital ID and HIE



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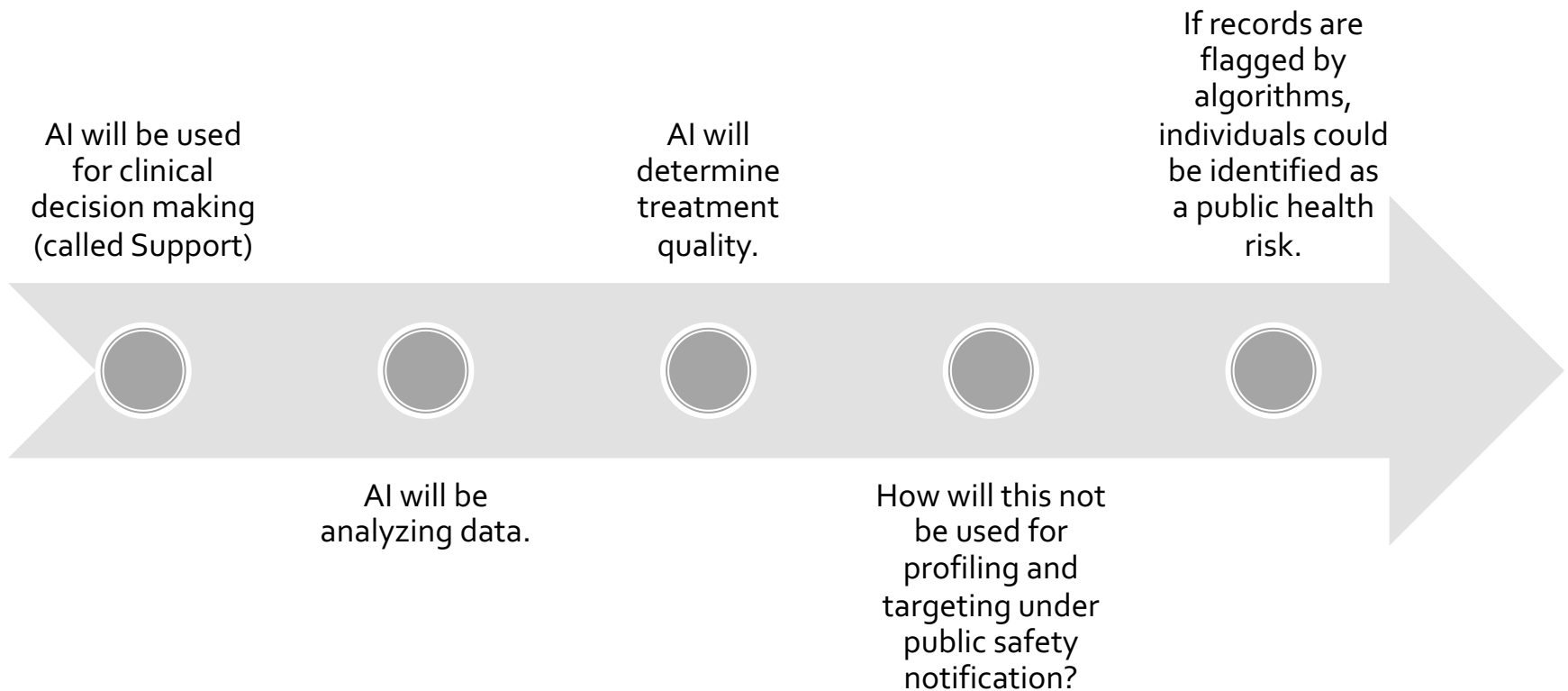
# Mental health, substance abuse, HIV, domestic violence & sexual identity privacy laws.

ONC wants your therapy records, including notes, for every session in real time uploaded to HIEs.



For more information: <https://maloneinstitute.org/nationalid>

# ONC utilizes AI to Determine Quality & Analyze Data



For more information: <https://maloneinstitute.org/nationalid>

# ONC & JASON propose AI to capture healthcare data



Capture Smart Phone Data to support AI application



Integrate Social and Environmental data (social behaviors)



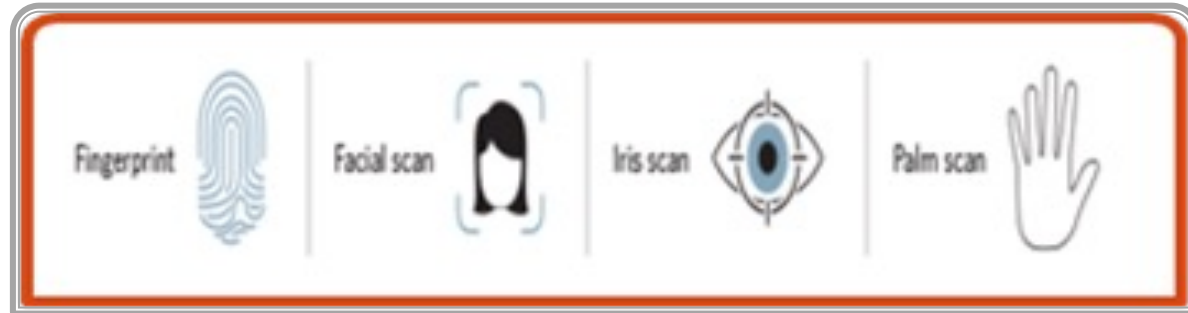
Support AI competition to support data generation and AI development.



JASON is an independent advisory group that offers consultation on defense, science and technology, including the DOD, NSA and FBI.

For more information: <https://maloneinstitute.org/nationalid>

# AI used for Identity Verification



AI and Biomarkers will be used to sign in to verify your identity, including fingerprint, facial scan, voice, iris scan and palm scan.



- Project US@ is identity matching with USPS.

USPS is partnered for identity matching history for all addresses, names, family members.



For more information: <https://maloneinstitute.org/nationalid>

# Information Blocking Penalties

ONC has current policy against information blocking & established penalties to eliminate “unnecessarily” restrictive data sharing practices.



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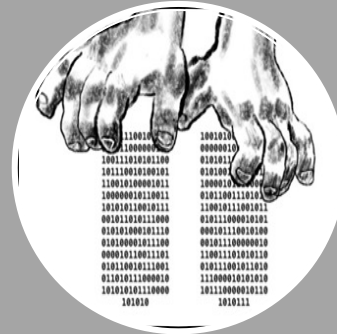
# Terms to Know



**Standardized:** medical record data would be standardized so everyone is using the same terms and definitions.



**Interoperable:** Means the HIE systems across all states and countries can communicate and share records with each other. This is national and global.



**Identity Proofing:** Match and verify history of all your identification; names, addresses and family.



Providers may be required to use interoperable electronic health record software with standardized drop down menu click boxes to report data to the government

For more information: <https://maloneinstitute.org/nationalid>

# “It’s all for your convenience”

Maybe have the HIEs to let people sell their own data for a fee & choose who they want to sell it to!

All records in one spot to share with providers  
(That no one requested)

Your rights to access  
(But not on the HIE; you will use Apple Health and other apps)

It keeps your records safe  
(But it makes them less safe)

Can be used for a community record to keep you healthy; with data from your social & lifestyle data from criminal justice, housing and urban development, and other social support systems.

It keeps your records private  
(But shared & sold & data mined)

Removes the “burden” of informed consent.  
(But it’s standard procedure among providers)

Is Apple really where your private medical records belong?



Apple @Apple

Health data shouldn't be public. The Health app helps keep it private.



apple.com

Privacy. That's iPhone.

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For more information: <https://maloneinstitute.org/nationalid>



# CARIN Alliance Partnership

As posted on  
twitter

ONC @ONC\_HealthIT · Apr 7  
ICYMI, check out this digital identity proof of concept that our colleagues as part of @HHSgov's XMS team also contributed to.

The CARIN Al... @carina... · Mar 21

Announcing the results of our year-long proof of concept with @HHSGov @CMSSGov @ONC\_HealthIT to test approaches for establishing an open nationwide digital identity federation ecosystem. 📰 📄

Report --> [bit.ly/3nbmWRj](https://bit.ly/3nbmWRj)

Demos --> [bit.ly/3ltgAfq](https://bit.ly/3ltgAfq)

[Show this thread](#)

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ONC has partnered with CARIN Alliance for National Digital Health ID. Their partners are:

Amazon, Apple, Google, Microsoft, Anthem, Cigna, CVS and other private, commercial groups.

Federal ONC, FTC, OCR, VHA, CMS, HHS, NIH

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# Big Picture on Federal Level

- 2016: Introduced HIEs & HIPAA. Their “Playbook” has been in the planning stages to develop policies and plans for National Digital Health ID for many years. They are now in the implement phase & acting on the plans.

## CURES Act



- NIH states written informed consent is required for release of records, data sharing & conducting research.
- National Institute of Health programs & initiative are all data driven, including The Cures Act, All of Us, The Brain Initiative, Genome Research, Biosafety and Biosecurity.

## National Institute of Health (NIH)



- US Health and Human Services collects All-Payor Claims Database. It requires insurers to submit ALL claims from ALL providers to the State. That means they have access to claims from all providers, the diagnosis, date of service for every claim. There is a focus on mental health and substance abuse data as a high priority.

## Health & Human Services (HHS)



- The Constitution divides government power by addressing separate roles of powers: legislative power within Congress, executive power with the President and judicial power within the Courts.
- National Digital Health ID, privacy rights and data sharing are constitutional issues that need to be addressed among the legislature, and will allow citizen involvement.

## Constitutional Separation of Powers



- FTC Act states HIPAA disclosures can not be deceptive. It requires written consent, plain language and specific terms and descriptions. It requires disclosures that specify the who, what, where, when and why of the sharing of health information.
- Digital Health ID & HIE does not specify who it will be released to, what it will be used for, why it's being used, when it will be shared.

## Federal Trade Commission (FTC)



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# On The State Level

Almost all states already have an HIE that healthcare providers are uploading medical records to. Healthcare insurers are also sharing records to the exchange, including Anthem and Cigna, with no informed consent from consumers. To see information regarding your state's HIE, go to:

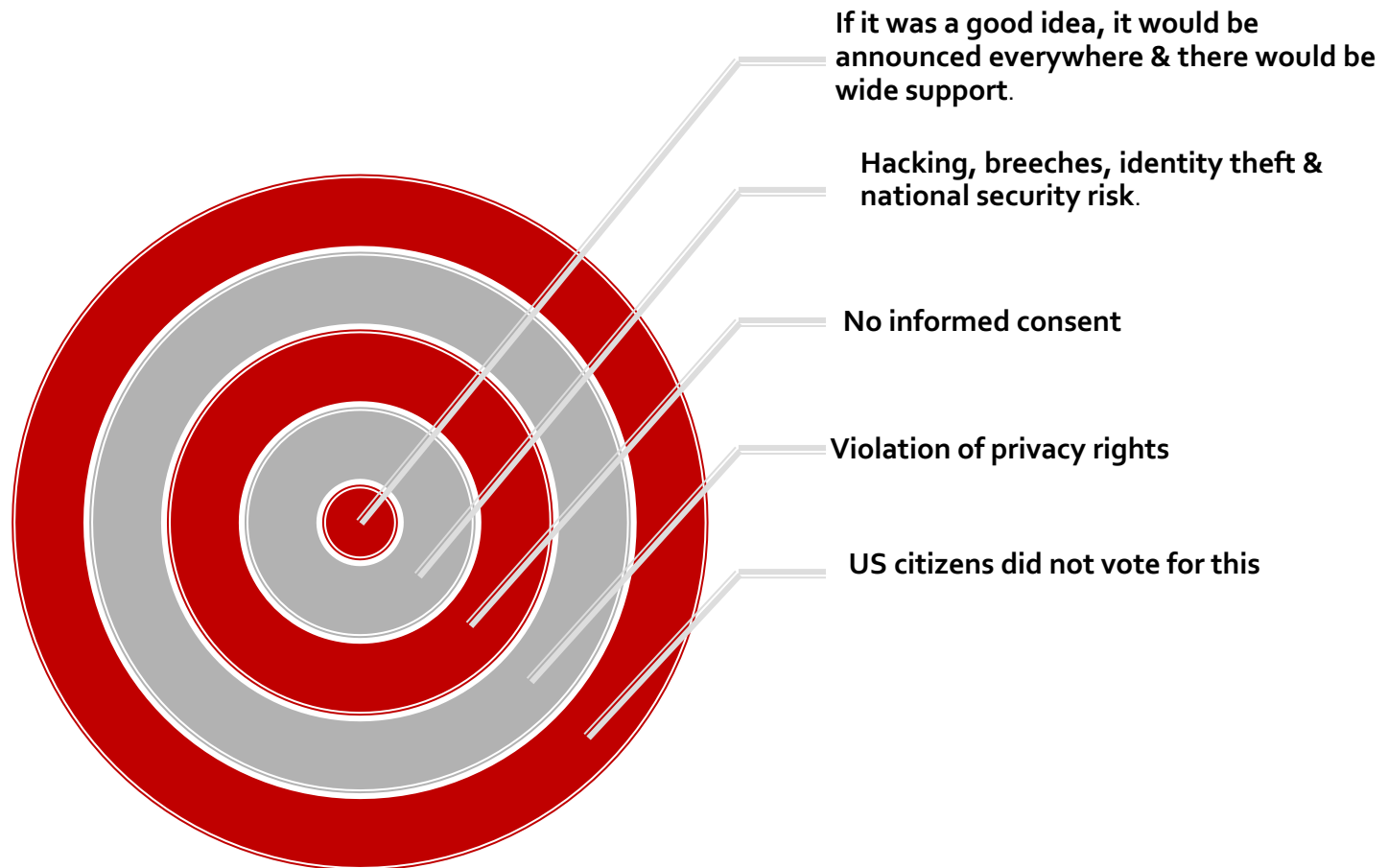
[https://www.healthit.gov/sites/default/files/State%20HIE%20Opt-In%20vs%20Opt-Out%20Policy%20Research\\_09-30-16\\_Final.pdf](https://www.healthit.gov/sites/default/files/State%20HIE%20Opt-In%20vs%20Opt-Out%20Policy%20Research_09-30-16_Final.pdf) (from 2016)

For example, Connecticut's HIE is Connie Exchange. CT assumes consent, unless you opt-out. But no one knows about the HIE. They only know they can see their charts and labs now (so can everyone else). In 2022, all hospitals and large organizations (ex: Quest, CVS) started sharing full medical records to Connie. In 2023, private practice and small organizations are mandated to share full medical records. Currently, mental health providers are refusing to comply with the mandate due to privacy laws, including CGS Sec. 52-146o:

" Disclosure of patient communication or information by physician, surgeon or health care provider prohibited." To learn more or to opt-out, go to <https://conniect.org>.

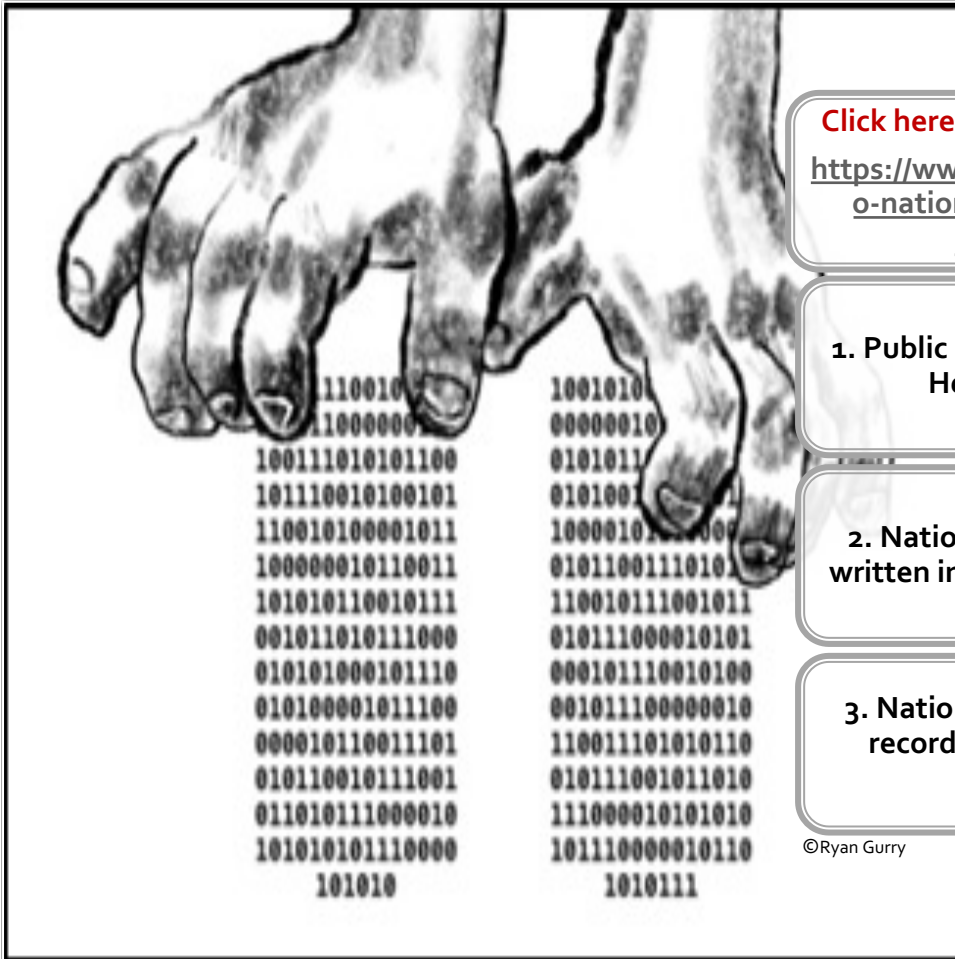
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# Red Flags



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# Take Action Now



**Click here to sign the petition to demand:**

<https://www.petition2congress.com/ctas/no-national-digital-health-id-without-citizen-vote-informed>

**1. Public conversation on National Digital Health ID with citizen vote.**

**2. National policy requiring meaningful written informed consent to opt-in or out.**

**3. National exemption of mental health records from HIE mandates. Protect mental health privacy.**

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