Exploring Legal Challenges to Fulfilling the Potential of mHealth in a Safe and Responsible Environment

Workshop II: Privacy and Security
Convened and Hosted by AAAS
October 6-7, 2014

Goal: In order for mHealth to fulfill its promise of improved health care, patients need to be confident that their privacy will be protected as they become consumers of mobile health applications. The workshop will assist AAAS in setting forth the principles, policies, and security-related technologies necessary for the development of mHealth devices and apps to improve patient health, while at the same time protecting users from undue risk.

To achieve that goal AAAS will:

- Gather the views of a wide range of experts and affected populations to contribute to the preparation of a AAAS report on the topic of privacy and security in an mHealth environment;
- Commission papers from among those attending the workshop to trigger discussion on specific agenda topics;
- Build on the advanced dissemination of those commissioned papers and relevant guidance/policies to inform the workshop deliberations;
- Use the workshop deliberations to engage in post-workshop electronic discussions among the participants to elaborate on and fine-tune a set of findings and recommendations;
- Release a AAAS report on the findings and recommendations related to privacy and security in the use of mHealth; and
- Use social media to gather views from a public beyond the workshop attendees.

Workshop Agenda

Day I: October 6

8:00-8:30  Continental Breakfast

8:30-9:15  Welcome, Goals of Project, and Introductions

Speakers:  Mark S. Frankel, AAAS
          Deborah Runkle, AAAS

9:15-10:00  An Overview of the Landscape: Part I: What Can Go Wrong? This session will describe why there are concerns about privacy in the mobile health context. It will include a look at current privacy issues concerning technology in general, and in health care, in particular.

Moderator:  Deborah Runkle

Speakers:  Lee Tien, Electronic Frontier Foundation
10:00-10:30  **Break**

10:30-12:15  **State of the Art, Part I: Regulations, Guidelines and Policies.** This session will focus on how our regulatory, legislative, and other policy-making bodies are addressing these rapidly-developing mobile health technologies. What actions are they taking? What plans do they have on the drawing board?

Moderator:  **Wendy Nilsen, National Institutes of Health**

Speakers:
- **Nikhil Thakur, U.S. Food and Drug Administration**
- **Cora Han, Federal Trade Commission**
- **Linda Sanches, Office of Civil Rights, Department of Health and Human Services**
- **Maya Uppaluru, Office of the National Coordinator for Health Information Technology**
- **Susan Coller-Monarez, National Security Council**

12:15-1:30  **Lunch**

1:30-2:30  **State of the Art, Part II: Legislation (Tentative)**

Moderator:  **Patricia Wagner, Epstein, Becker, Green**

Speaker:  **Whitney Marshall, Office of Congressman Hank Johnson**

Discussant:  **Alvaro Bedoya, Georgetown University School of Law**

2:30-2:50  **Break**

2:50-4:30  **Privacy and Security: Technology Solutions.** This session will focus on the strengths and weaknesses of security technologies related to mobile health. It will address where there are vulnerabilities and how to remedy them.

Moderator:  **David Kotz, Dartmouth College**

Speaker:  **Lucila Ohno-Machado, University of California, San Diego**

4:30  **Adjourn**
Day II: October 7

8:30-9:00   Continental Breakfast

9:00-10:30  **Issues for Health Care Providers.** This session will explore how health care providers are managing privacy concerns. What technological steps and policies are they adopting to prevent breaches or other adverse privacy issues?

   Moderator:  **Eileen Ewing, Attorney**

   Speakers:  **Barry Caplin, Fairview Health System**  
               **Steven Dean, Inova Health Systems**  
               **Ross Friedberg, Doctor on Demand**

10:30-11:00 Break

11:00-12:30 **Looking Forward.** What should government, the technology industry, and health care organizations do to protect the privacy of patients using mobile health technologies?

   Moderator:  **Deborah Runkle, AAAS**

   Speaker:  **Joe Rosenbaum, Reed Smith**

12:30-1:30 Lunch

1:30-4:30  **Recommendations**

   Moderator:  **Mark Frankel, AAAS**

4:30  Wrap-up and Adjourn


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