

Thank you for speaking to me briefly today after this morning's hearing on H.121. As AAAs were not called to testify, I want to share how the AAAs fall through the cracks of H.121 as you consider new language.

- 1) The broad definition of "personal data" on p.10 of draft 4.1 includes our HIPAA-protected data, our service data, employee and volunteer data, donor data, and more. We retain our HIPAA data for 10 years.

Because it's not clear whether we need to include both healthcare and non-healthcare in determining whether we meet the applicability threshold of 25,000, it is likely all of our AAAs could be captured under the bill.

- 2) The data exemptions do not apply to AAAs. We are not a 100% HIPAA-covered entity nor a business associate under §2417 (a)(2). The data exemption for intermingled data in §2417(a)(8) also does not help as, again, we are not a 100% HIPAA-covered entity or a business associate, nor do we meet the definition of a qualified service organization.
- 3) AAAs do not understand why the state would need to capture us under this bill. We are not the entities that this bill should be targeting - we do not sell or exploit client data. We offer free services to those we serve. Because of the lack of clarity in the bill, we will be forced to incur the burden and expense of compliance, rather than use our limited and valuable resources in service to our clients.

I am happy to address the committee tomorrow if you think it's appropriate.

Thank you for your kind consideration.

Mary H. Hayden
Executive Director, Vermont Association of Area Agencies on Aging (V4A)
27 Main Street, Suite 14
Montpelier, VT 05602
(802)225-6210
maryh@vermont4a.org

