



**COMMUNITY PHARMACY FOUNDATION  
COMPLETED GRANT SYNOPSIS**

**HIPAA State Preemption Analysis**

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**Objective**

- 1) To conduct a state law survey to assist pharmacy organizations with their HIPAA compliance efforts. For each state or jurisdiction, the survey materials consist of two primary components: (1) a general survey of the applicable state privacy laws and corresponding preemption analysis, and (2) a survey of the state laws governing parent-minor issues.

**Design**

The state law survey and preemption analysis was developed through an external legal council and is divided into the following three parts:

- Part I is a narrative discussion of the “privacy-related” provisions in the state law.
  - Compiled through research of state statutes, regulations, attorney general opinions, legislation and regulations that have been adopted but not yet codified and state case law.
- Part II is a narrative discussion of the “information-related” provisions in the state law.
  - Compiled through state law provisions that address record-keeping and similar requirements mandated, in general, by the pharmacy practice act and pharmacy regulations in a particular state.
- Part III is a chart that includes preemption analysis and comments for each privacy-related provision, as well as a sample Notice of Privacy Practices provision addressing the required aspects of state law.
  - The chart includes the section headings for each “privacy-related” provision included in the survey document, an assessment of whether the state law is more stringent than its federal analog, brief comments supporting the assessment, and a sample Notice of Privacy Practices provision for each state law

**Results**

- Available on [www.CommunityPharmacyFoundation.org](http://www.CommunityPharmacyFoundation.org) by clicking the NACDS logo on the home page

**Conclusion**

The Community Pharmacy Foundation provided significant funding for the creation of this assessment. Ongoing annual updates continue through the support from other organizations.

For further information and/or materials on this grant, please visit  
[www.CommunityPharmacyFoundation.org](http://www.CommunityPharmacyFoundation.org) and submit your inquiry through **Contact\_Us**.