

97388 General Reasons to Deny Applications

(a)

This section applies to all applications for program data submitted to the Department under this Article.

(b)

Mandatory Reasons for Denial. The Department shall deny an application, in whole or in part, if the Department determines that: (1) State or federal law prohibits the disclosure of the data; (2) The agreement through which the Department obtained the requested data prohibits disclosure of the data; (3) Disclosure of the data would create an unreasonable risk to individual privacy or safety; (4) The proposed use of the data is inconsistent with program goals; (5) Regarding applications for confidential data: (A) The applicant does not need the requested confidential data for its proposed use; (B) The applicant is requesting more than the minimum amount of confidential data the applicant needs; (C) The applicant is requesting other entities to be able to use, control, observe, transmit or store confidential data who are not necessary for applicant's proposed use; (D) The data applicant will use, control, observe, transmit or store the confidential data outside of the United States of America; or (E) The data security for the confidential data does not meet the standards and requirements in section 97406; (6) Regarding applications for the direct transmission of confidential data, the proposed use of the confidential data can be reasonably achieved by accessing confidential data through the enclave; or

(7) The proposed use of program data is for determinations regarding individual patient care or treatment, for individual eligibility or coverage decisions, or similar purposes.

(1)

State or federal law prohibits the disclosure of the data;

(2)

The agreement through which the Department obtained the requested data prohibits disclosure of the data;

(3)

Disclosure of the data would create an unreasonable risk to individual privacy or safety;

(4)

The proposed use of the data is inconsistent with program goals;

(5)

Regarding applications for confidential data:(A) The applicant does not need the requested confidential data for its proposed use; (B) The applicant is requesting more than the minimum amount of confidential data the applicant needs; (C) The applicant is requesting other entities to be able to use, control, observe, transmit or store confidential data who are not necessary for applicant's proposed use; (D) The data applicant will use, control, observe, transmit or store the confidential data outside of the United States of America; or (E) The data security for the confidential data does not meet the standards and requirements in section 97406;

(A)

The applicant does not need the requested confidential data for its proposed use;

(B)

The applicant is requesting more than the minimum amount of confidential data the applicant needs;

(C)

The applicant is requesting other entities to be able to use, control, observe, transmit or store confidential data who are not necessary for applicant's proposed use;

(D)

The data applicant will use, control, observe, transmit or store the confidential data outside of the United States of America; or

(E)

The data security for the confidential data does not meet the standards and requirements in section 97406;

(6)

Regarding applications for the direct transmission of confidential data, the proposed use of the confidential data can be reasonably achieved by accessing confidential data through the enclave; or

(7)

The proposed use of program data is for determinations regarding individual patient care or treatment, for individual eligibility or coverage decisions, or similar purposes.

(c)

Discretionary Reasons for Denial. The Department shall deny a data application, in whole or in part, if the Department determines there is good cause to deny the application, including, but not limited to, the following:(1) The applicant does not substantially comply with this Article; (2) The applicant is required to submit data to the program and is not in substantial compliance with this chapter due to circumstances under the applicant's control; or (3) The Department determines that the public interest served by disclosing the data does not outweigh the public interest served by not disclosing the data.

(1)

The applicant does not substantially comply with this Article;

(2)

The applicant is required to submit data to the program and is not in substantial compliance with this chapter due to circumstances under the applicant's control; or

(3)

The Department determines that the public interest served by disclosing the data does not outweigh the public interest served by not disclosing the data.