

# Central PA Connect

HEALTH INFORMATION | EXCHANGE

Policy Title:	Super Protected and Other Unauthorized Data Use		
Effective Date:	12/18/19	Updated Date:	8/1/2020
Policy Owner:	Keith Cromwell		
Policy Approver:	Cindy Stauffer		

## POLICY PURPOSE:

This policy establishes the parameter for submitting acceptable information to Central PA Connect HIE.

## POLICY STATEMENT:

This Policy details the requirements for authorizing use of Central PA Connect HIE.

## APPLICABILITY/SCOPE/EXCLUSION:

The policy is applicable to all Central PA Connect Member Organizations and any individual designated to use the services.

## DEFINITIONS:

**Licensed Provider** is an organization or individual that is licensed to provide Mental Health and/or Drug and Alcohol treatment related services. An individual or facility that is generally licensed to practice medicine would not be considered a Licensed Provider for the purposes of this policy.

**Member Organization (MO):** means individuals and entities (including, but not limited to, Health Care Providers, physician practices, health care facilities, medical laboratories, payers, etc.) that enroll in and connect to CPC-HIE to send and/or receive health information.

**Protected Health Information (PHI)** shall have the same meaning as set forth in HIPAA.

**Super Protected Data (SPD)** is defined by the Pennsylvania eHealth Partnership Authority as health information related to HIV/AIDS, mental/behavioral health, drug and alcohol abuse services and treatment administered by a licensed provider or facility.

**Request to Restrict Disclosure of PHI to a Health Plan or Self-Pay Data** is an added protection from the American Recovery & Reinvestment Act (ARRA) which permits patients to restrict disclosures of PHI to a health plan under certain conditions. This protection was mandated by 42 USC 17935 of the HITECH Act and required under 45 CFR 164.522(a)(1)(vi), as amended by the HIPAA Omnibus Rule.

## PROCEDURE:

Member Organizations shall adhere to Federal and state law when exchanging protected health information (PHI) through Central PA Connect HIE. Member Organizations shall obtain any authorizations necessary under Federal or state law prior to the release of PHI to an authorized recipient.

Member Organizations are responsible for ensuring the data sent to the Central PA Connect HIE Repository or as a response to a query request from Central PA Connect HIE, does not contain Super Protected Data, Self-Pay Data, or other unauthorized data about a patient.

Super Protected Data is defined by two conditions:

1. Medical data containing the following information:
  - a. HIV/AIDS
  - b. Mental/behavioral health
  - c. Drug and alcohol abuse.
2. The information is created or maintained by a Licensed Provider.

Self-Pay Data is defined by the following conditions:

- Patient explicitly requests to restrict disclosure of PHI to a health plan (for purposes of payment or healthcare operations).
- PHI pertains solely to a health care item or service in which either the patient or someone on behalf of the patient (other than the health plan) paid out-of-pocket in full.
- Disclosure is not otherwise required by law.

Consistent with a Patient's right to opt-out, Central PA Connect HIE will not attempt to limit or restrict types of information that can be accessed through Central PA Connect HIE by a Member Organization. Member Organizations who have the technical capability to do so may allow patients to request that sensitive PHI be withheld from the Central PA Connect HIE. Member Organizations without this capability shall inform patients that the Member Organization cannot selectively withhold PHI from the HIE and provide patients with the opportunity to opt-out of Central PA Connect HIE and the P3N network.

#### **PROHIBITED ACTIVITIES:**

Member Organization shall not engage send Super Protected Data, Self-Pay Data, or any other unauthorized data about a patient to Central PA Connect HIE.

#### **REVIEW AND VIOLATIONS:**

The MO will perform a review and examination on an annual basis of records and activities to assess the adequacy of system controls around a Authorized User designated to use the services on behalf of the MO. These reviews must be submitted to Central PA Connect and Central PA Connect may perform an independent review and examination of records and activities to assess the adequacy of system controls.

#### **ROLES AND RESPONSIBILITIES:**

Member Organizations will be responsible for one of the following:

1. Take action to ensure the Super Protected Data, Self-Pay Data, or any other unauthorized data about a patient is not sent to the Central PA Connect HIE Repository or included in a response to a query or
2. If no technical ability exists to block this data from being sent, inform the patient and allow them to opt-out of the exchange.

Central PA connect HIE is not responsible for searching the Repository or filtering query responses for Super Protected Data, Self-Pay Data, and any other unauthorized data about a patient. If Central PA Connect HIE does discover Super Protected Data, Self-Pay Data, or any other unauthorized data about a patient in the Repository, it will notify the submitting Member Organization of the incident for remediation.

**APPENDICES:** N/A

**FORMS:** N/A

**REFERENCES:** N/A