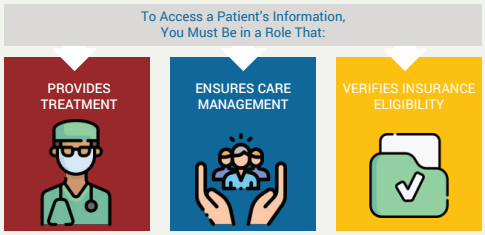
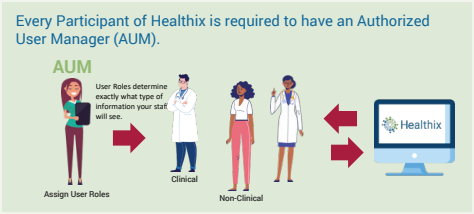
2022 SHIN-NY and Healthix Required Policy Training

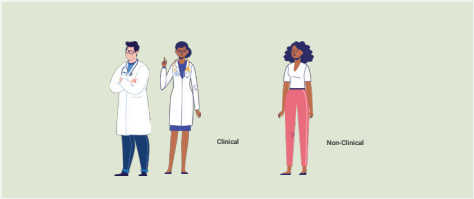


User Roles

In order to access a patient's information, you must be in a role that:

- Provides medical treatment and related services.
- Ensures care management by assisting patients in obtaining appropriate medical care, improving the quality of care, and coordinating healthcare services.
- Verifies insurance eligibility.





Authorized User Manager

Every Participant of Healthix is required to have an Authorized User Manager, commonly referred to as an AUM.

An AUM serves as the primary contact for designating the appropriate level of access in the Healthix Portal for their staff.

User Roles determine exactly what type of information your staff will see.

For example, all staff assigned a role with "Clinical" access will have full view of Protected Health Information (PHI).

Whereas "Non-Clinical" users can be restricted to only certain types of PHI or PII.

For more information: http://www.hhs.gov/ocr/privacy

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HIPAA and Patient Rights

Patients have a right to request an "**Accounting of Disclosures**" (audit) – a list of Participants whose employees accessed their medical information.

Legal Representatives (such as parents of children under 18 and legal guardians) have the same rights as patients.

Patient Complaints: If a patient makes a privacy–related complaint to you, please notify the Privacy Officer immediately so the complaint can be investigated promptly. These complaints can also be submitted to **compliance@healthix.org.**

HIPAA Breach

HIPAA Breach is an impermissible use or disclosure that compromises the security or privacy of PHI.

Participants shall notify Healthix without delay in the event that they become aware of or suspect a Breach involving PHI accessed via Healthix.

As a Healthix Participant, you must comply with all of the safeguards set forth in the HIPAA Privacy and Security rules.

- Access to all information on the Healthix platform is closely monitored.
- Healthix will cooperate in incidences to establish proper corrective actions, sanctions and notifications, including state and federal agencies, as per Healthix Privacy Policy Section 7.

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Bases for Sanctions shall take into account the following factors:

Number of Violations — Whether the violation was a first-time or repeat offense;

Culpability — Whether the violation was made intentionally, recklessly or negligently;

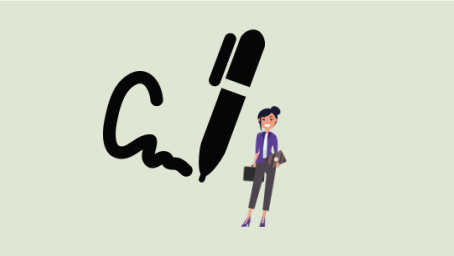
Criminal Indicators — Whether the violation constitutes a crime under state or federal law; and

Harm — Whether the violation resulted in harm to a patient or other person.

Healthix/Third-Party Considerations When Applying Sanctions:

Non-Intentional/Minor Violations — If it is identified that an authorized user has unintentionally violated the Healthix Policies, or the violation is minor, in most circumstances, the Participant may choose to impose discipline/ sanctions on the authorized user in accordance with its routine internal policies.

Intentional, Egregious or Substantial Violations — If an intentional, egregious or significant violation of Healthix Policies or applicable law is identified, Healthix may impose sanctions at the discretion of the CEO. Healthix corrective action may call for sanctions of the Authorized User and/or the Organization.

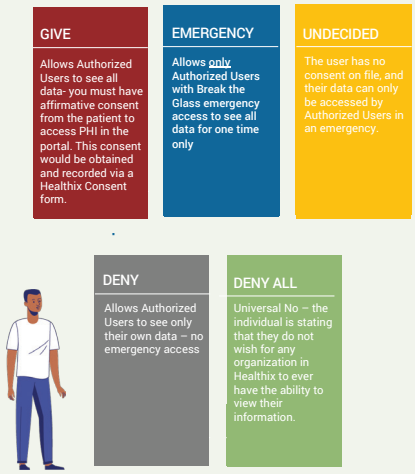


Consent

Patient Consent, Consent Options, Consent Policy Exceptions, NYS Consent Policy, Minor Consent

In New York State providers are required to obtain written patient consent in order to access PHI, within the Healthix Portal.

Affirmative consent gives access for that patient's data. Authorized users do not need patient consent to access information provided by their own organizations.



A Patient Has Several Consent Options

Give Consent — Allows Authorized Users to see all data. You must have affirmative consent from the patient to access PHI in the portal. This consent would be obtained and recorded via a Healthix Consent form.

Emergency Consent — Allows only Authorized Users with Break the Glass emergency access to see all data for one time only

Undecided Consent — The user has no consent on file, and their data can only be accessed by Authorized Users in an emergency.

Deny Consent — Allows Authorized Users to see only their own data – no emergency access.

Deny All Or Universal No — The individual is stating that they do not wish for any organization in Healthix to ever have the ability to view their information.

For Deny All, instruct the patient to:

1. Call Healthix compliance directly with the request to process "deny all," or
2. Have the patient fill out the form (available on www.Healthix.org). Email to **compliance@healthix.org.**

Deny All forms are located on healthix.org or email compliance@healthix.org.

Patients Can Change Consent at Any Time By Submitting a New Consent Form

Patients have the right to receive a copy of the consent form that they submitted at any time.

- Consent for adult Patients ages 0-18 is durable and DOES NOT expire.
- Consent for Minor Patient's between the age of 0-18 expires on the date of the Patients 18th birthday.
- Facilities must keep consent records on file for a minimum of 6 years and are subject to auditing as per NYS regulations.

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NYS Consent Policy

NYS Policy allows for clinical alerts, with essential patient data only, to be sent to the patient's providers and care managers. These alerts can be sent for patients that have a GRANT or UNDECIDED consent value for the organization. If the patient has denied the organization consent, alerts will not be generated.

These alerts will exclude sensitive PHI from 42 CFR Part 2 Facilities (Substance Use Data).

1 PUBLIC HEALTH SURVEILLANCE

3 ORGAN PROCUREMENT

5 HEALTH PLANS & PAYERS CAN ACCESS DATA FOR HEDIS AND QARR MEASURES

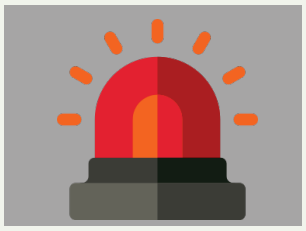
2 DISASTER MANAGEMENT

4 OFFICE OF THE MEDICAL EXAMINER

Consent Policy Exceptions

Strictly speaking you can access a patient's PHI only if consent is given. Exceptions are:

1. **Public Health reporting and access, Public Health surveillance** — including monitoring of disease trends, epidemics, outbreaks and public health emergencies.
2. **Disaster management** — for the purpose of locating patients during an emergency event.
3. **Organ procurement.**
4. **Office of the Medical Examiner** — for these instances, access is permitted regardless of consent decision, including a denial.
5. As of March 2021, new policy allows a fifth exception — **Health Plans and payers can access data without consent for quality reporting;** specifically for calculating HEDIS and QARR measures.



Break the Glass Emergency Access

Breaking the Glass (BTG) in an emergency situation provides one-time access to authorized users with a role consistent with providing emergency patient care. This can only be executed in the Healthix Portal.

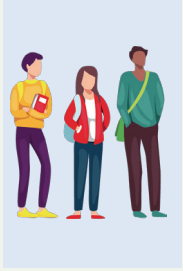
Only acute-care facilities providing emergency care can access.

If a patient has a DENY consent on file, doctors are NOT able to access Healthix, even in an emergency.

If you have BTG access, you are required to take the BTG Training.

MINOR CONSENTED SERVICES INCLUDE:

- Reproductive health
- HIV testing
- STD treatment
- Mental health
- Substance abuse
- Or any services consented to by an emancipated minor



Healthix Minor Consent

A parent granting or denying consent for access to the Minor's data will be allowing access to data from infancy until 18 years of age.

While sensitive Minor Consented data is also available, steps have been taken to ensure privacy on behalf of the Minor.

Parental consent does not allow access to data of 42 CFR Part 2 Facilities.

Minors from ages 10 until 18 years can grant a one-time consent at the time of visit for a provider of Minor Consented Services to view their complete record.

Send Questions: compliance@healthix.org