



# Healthix

EXCHANGING INFORMATION  
TO TRANSFORM PATIENT CARE



SHIN-NY and  
Healthix  
Required Policy  
Training  
Telehealth

2022



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# OVERVIEW

To Access a Patient's Information,  
You Must Be in a Role That:

**PROVIDES  
TREATMENT**



OR

**ENSURES CARE  
MANAGEMENT OR  
MONITORS QUALITY OF  
CARE**



OR

**VERIFIES INSURANCE  
ELIGIBILITY**



## Patient Rights

### Access Log



### PATIENT REPRESENTATIVES



### PATIENT COMPLAINTS



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

# Patient Rights

- Patients have a right to request an Access/ Disclosure Log – a list of Participant's who either access or received patient information via Healthix
- Legal representatives and other 3rd parties authorized by the patient may be able to receive the requested information as well.
- 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 be also submitted to [compliance@healthix.org](mailto:compliance@healthix.org)
- For more information: <http://www.hhs.gov/ocr/privacy>



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# TELEHEALTH CONSENT

## Telehealth and Verbal Consent to Access Healthix Data

During the COVID-19 Pandemic the federal and state health agencies expanded the definition and coverage of Telehealth services to improve patient's access to care.

The State Health Information Network of New York (SHIN-NY) and Healthix adopted policies that allow Providers who engage in telehealth services to obtain a “verbal” consent from a patient for access to data stored in SHIN-NY database via Healthix.



Prior to COVID-19 Pandemic Providers who wanted to access data via Healthix had to obtain written or electronic consent.

# Telehealth and Verbal Consent to Access Healthix Data

## Conditions of Access via Verbal Consent Criteria for use:

- The User must be authorized to access Healthix, **AND**
- The User must be engaging patients via telehealth encounter for purposes of treatment or care management (e.g., primary care, behavioral health, case management visit, etc.) **AND**
- The patient should understand that consent is being granted to access clinical records stored in Healthix prior to the search for data.

## Required Documentation:

- All verbal consents for access to the HIE must be documented in the patient record (e.g., encounter note) **prior** to accessing the patient's data in Healthix.
- The documentation should explicitly indicate that Patient has **granted the user access to their records in Healthix**. This is explicit to access via Healthix and is **not included in the general telehealth consent**.
- The supporting documentation must include the **date the verbal consent was obtained from the patient**.

Your facility is responsible for ensuring this documentation is available for audit by Healthix.





# What is the Healthix telehealth consent workflow?

## Figure 2. Patient has denied consent.

You will see an extra box for patients who have denied consent previously. Image depicts how this will appear in the Healthix Portal.



Step 1 - search for patient

Step 2 - Telehealth Prompt will appear if patient filed a "DENY" consent in the past or if there is no consent on file for your organization.

## Figure 3. No consent on file.

You will see this telehealth dialogue box.



Step 3 - if you obtained "verbal consent" you may choose the appropriate box outlined in red to access data

# Inappropriate uses of telehealth consent workflow

**Below are examples of inappropriate access that will result in sanctions:**

- Not actively engaging in a telehealth visit with the patient
- Not documenting the verbal consent for access to Healthix
- Obtaining verbal consent after the telehealth access was executed
- Accessing Healthix data on someone other than your telehealth patients
- Accessing your own or a family members' data via telehealth

**If you are unsure why you are seeing the Telehealth pop-up**, please reach out to the Healthix Compliance Department [compliance@healthix.org](mailto:compliance@healthix.org) for clarification **prior to** selecting “View Patient Data” and accessing PHI



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# WHAT YOU SHOULD KNOW ABOUT A BREACH

## DID YOU KNOW?

A BREACH is an impermissible use or disclosure under the Privacy Rule that compromises the security or privacy of Protected Health Information(PHI).



## PARTICIPANTS SHALL NOTIFY

HEALTHIX IN THE EVENT THAT THEY BECOME AWARE OF ANY ACTUAL OR SUSPECTED BREACH INVOLVING HEALTHIX DATA



## DID YOU KNOW?

Access to all information on the Healthix platform is closely monitored.

Healthix will cooperate with our participants to establish proper corrective actions, sanctions and notifications including state and federal agencies as per Healthix Privacy Policy Section 7.

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# SANCTIONS

## DID YOU KNOW?

The type of sanction that will be applied will be based on progressive corrective action and will take into consideration the type of violation and other key factors such as:

## CONSIDERATIONS WHEN APPLYING SANCTIONS

- ➔ Non-Intentional/ Minor Violations
- ➔ Intentional, Egregious or Substantial Violations

## BASES FOR SANCTIONS

- ➔ Number of Violations
- ➔ Culpability
- ➔ Criminal Indicators
- ➔ Harm

# A CLOSER LOOK...

### Healthix 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. (duplicate in the audio)

**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.



# A CLOSER LOOK...

### Healthix considerations when applying sanctions:

DISCOVERY

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 Policy: Sanctions

In accordance with the New York State and Healthix policies, accesses which are investigated and assessed as not meeting the conditions warranting the access ( treatment, quality assurance, care management, insurance verification) or any applicable exceptions will be subject to Progressive Corrective Action.

The type of sanction will depend on whether the user's access constitutes the first or subsequent violation of the policy and whether the incident is classified as SHIN-NY and Healthix policy violation or rises to the level of HIPAA breach.

Violations that rise to the level of Breach will result in permanent deactivation of the user upon initial incident.

## Sanctions for Inappropriate Access – Progressive Corrective Action

| Violation   | Sanction   |
|---|--|
| Violation of SHIN-NY or Healthix policy not rising to HIPAA violation (e.g. self-search, BTG access, telehealth access) | <b>1<sup>st</sup> violation:</b> temporary suspension of user and re-education<br><b>2<sup>nd</sup> violation:</b> temporary suspension, written warning and re-education<br><b>3<sup>rd</sup> violation:</b> permanent suspension of user from accessing Healthix and SHIN-NY |

***Note: if the investigation of a user's access results in actual Breach of Patient Protected Health Information the user will be permanently deactivated, and the event will be subject to reporting to state and federal agencies.***



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Thank You!  
Your Training is Complete

Questions?  
Contact: [compliance@healthix.org](mailto:compliance@healthix.org)