SHIN-NY and Healthix Required Policy Training Telehealth

2022
OVERVIEW
To Access a Patient’s Information, You Must Be in a Role That:

- Provides Treatment
- Ensures Care Management or Monitors Quality of Care
- Verifies Insurance Eligibility
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.

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

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.

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 for clarification prior to selecting “View Patient Data” and accessing PHI
WHAT YOU SHOULD KNOW ABOUT A BREACH
A BREACH is an impermissible use or disclosure under the Privacy Rule that compromises the security or privacy of Protected Health Information (PHI).

DID YOU KNOW?

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

DID YOU KNOW?

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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.
Sanctions for Inappropriate Access

A CLOSER LOOK...

Healthix considerations when applying sanctions:

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

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<th>Violation</th>
<th>Sanction</th>
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| Violation of SHIN-NY or Healthix policy not rising to HIPAA violation (e.g. self-search, BTG access, telehealth access) | **1\textsuperscript{st} violation:** temporary suspension of user and re-education  
**2\textsuperscript{nd} violation:** temporary suspension, written warning and re-education  
**3\textsuperscript{rd} violation:** 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.
Thank You!
Your Training is Complete

Questions?
Contact: compliance@healthix.org