



Patient Consent and Authorization Policy

Including any supporting documentation (secondary use of PHI, exceptions or restrictions to consent)

HP-1: Uses and Disclosures of PHI

HP-4: Access of Individuals to PHI

HP-6: Accounting of Disclosures of PHI

RioOne Health	HIPAA Privacy	Policy ID: HP-1
Title: Uses and Disclosures of PHI	Version: 1	Effective Date: Approved 02/28/2013

HIPAA Privacy Rule Language:

PERMITTED USES AND DISCLOSURES—§164.506

“Except with respect to uses or disclosures that require an authorization under §164.508(a)(2) and (3), a covered entity may use or disclose protected health information for treatment, payment, or health care operations...provided that such use or disclosure is consistent with other applicable requirements of this subpart.”

USES AND DISCLOSURES FOR WHICH AN AUTHORIZATION IS REQUIRED—§164.508

“Except as otherwise permitted or required by this subchapter, a covered entity may not use or disclose protected health information without an authorization that is valid under this section. When a covered entity obtains or receives a valid authorization for its use or disclosure of protected health information, such use or disclosure must be consistent with such authorization.”

Purpose Statement: RioOne Health will only use or disclose PHI as permitted by its RioOne Health Information Exchange Participation Agreements and RioOne Health Direct Messaging End User License Agreements.

Policy/Procedure:

1. RioOne Health may only use or disclose PHI to fulfill its responsibilities under the RioOne Health Information Exchange Participation Agreement or the RioOne Health Direct Messaging End User License Agreement. This includes, but is not limited to, performing proper management and administrative functions.
2. RioOne Health’s uses and disclosures of PHI in connection with RioOne Health Direct Messaging are more fully described in RioOne Health’s Use and Disclosure of PHI in RioOne Health Direct Messaging Policy (DM-6).
3. All PHI will automatically be transmitted through the Exchange until the individual has signed an **“Opt-Out” form**, which deauthorizes, disallowing his or her PHI to be transmitted through the Exchange. The deauthorization must have language approved by RioOne Health Network.
4. The Exchange will use an **Opt-Out** process, and will not segment PHI. This means that all PHI about that individual will be available through the Exchange, including alcohol and substance abuse, HIV/Aids, mental health and psychotherapy notes, STDs, hepatitis and genetic testing.
5. Participants are responsible for complying with all state laws, THSA regulations, and HIPAA requirements governing deauthorization. Participants shall ensure that the deauthorization form incorporates all law and HIPAA requirements. Participants shall indemnify the Exchange against any and all causes of action and damages based on use

by Participant of a deauthorization “**Opt-Out**” form that fails to comply with state and federal law.

6. When a Participant obtains an individual’s written or electronic deauthorization to transmit is/her PHI through the Exchange, the Participant will be keep such deauthorization on file at the Participant office or facility.
7. An individual may revoke an authorization/deauthorization at any time, provided the revocation is in writing. RioOne Health Network will stop transmitting information about that individual as soon as possible but at least within seventy-two (72) hours of receipt of written notice that an individual has revoked his/her authorization. RioOne Health Network will not be liable for use or disclosure of an individual’s PHI after a revocation if:
 - RioOne Health Network is not made aware that an individual revoked his/her authorization; or HIPAA/HITECH Privacy Compliance Manual Page 10
 - RioOne Health Network, in good faith, based its actions upon a prior authorization, and has already acted in reliance on that authorization.

Responsibility: Privacy Officer; RioOne Health Direct User

Regulatory Category: Privacy Regulations

Regulatory Reference:

- 45 C.F.R. §164.506, Uses and Disclosures to Carry Out Treatment, Payment, or Health care Operations [Standard; Required]
- 45 C.F.R. §164.508, Uses and Disclosures for which an Authorization is Required [Standard; Required]

RioOne Health	HIPAA Privacy	Policy ID: HP-4
Title: Access of Individuals to PHI	Version: 1	Effective Date: Approved 02/28/2013

HIPAA Privacy Rule Language: “Except as otherwise provided in paragraph (a)(2) or (a)(3) of this section, an individual has a right of access to inspect and obtain a copy of protected health information about the individual in a designated record set, for as long as the protected health information is maintained in the designated record set.”

Purpose Statement: RioOne Health does not create nor maintain designated record sets on behalf of its RioOne Health Information Exchange Participants or Health Direct Users. Therefore, RioOne Health cannot, on behalf of its RioOne Health Information Exchange Participants or Health Direct Users, grant an individual access to PHI. This policy sets forth how RioOne Health shall comply with requests from an individual to inspect or obtain a copy of his or her protected health information.

Policy/Procedure:

1. An individual who inquires about requesting his or her PHI will be provided a letter which indicates that RioOne Health does not maintain the individual’s designated record set and cannot comply with the request.
2. The individual will be instructed to contact his or her health care provider(s) to request access to PHI contained within his or her medical record.
3. The following is template language for a response letter:
On [*insert date*], RioOne Health received a request from you for [*a copy of or the right to access*] protected health information about you that may have been exchanged through RioOne Health. RioOne Health is not a custodian of records nor does it maintain a designated record set. As a result, RioOne Health cannot provide you with the requested information. If you would like to access or obtain a copy of your health information, you should contact your health care provider(s) directly and they will gladly assist you.

Responsibility: Privacy Officer

Regulatory Category: Privacy Regulations

Regulatory Reference:

- 45 C.F.R. §164.524, Access of Individuals to PHI [Standard; Required]

RioOne Health	HIPAA Privacy	Policy ID: HP-6
Title: Accounting of Disclosures of PHI	Version: 1	Effective Date: Approved 02/28/2013

HIPAA Privacy Rule Language: “An individual has a right to receive an accounting of disclosures of protected health information made by a covered entity in the six years prior to the date on which the accounting is requested.”

HITECH Act Language: “In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

“(A) the exception under paragraph (a)(1)(i) of such section [treatment, payment, and health care operations] shall not apply to disclosures through an electronic health record made by such entity of such information; and

“(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.”

“In response to a request from an individual for an accounting, a covered entity shall...provide an accounting, as specified under paragraph (1), for disclosures of protected health information that are made by such covered entity and by a business associate acting on behalf of the covered entity.”

Purpose Statement: Individuals have a right to receive an accounting of disclosures of their protected health information made for the six years prior to their request. Pursuant to the RioOne Health Information Exchange Participants or Health Direct Messaging End User License Agreement, RioOne Health Information Exchange Participants or Health Direct Users are responsible for maintaining all information related to disclosures that the RioOne Health Information Exchange Participants or Health Direct User makes through RioOne Health Information Exchange Participants or Health Direct Messaging that will be needed to respond to a request for an accounting of disclosures. RioOne Health will only be responsible for providing information in response to a request for an accounting of disclosures for disclosures that RioOne Health makes, as permitted by the Business Associate Addendum or the RioOne Health Information Exchange Participants or Health Direct Messaging End User License Agreement.

Policy/Procedure:

REQUESTS FOR ACCOUNTING MADE TO COVERED ENTITIES

1. Within sixty (60)days of receiving the accounting request from the RioOne Health Information Exchange Participants or Health Direct User, RioOne Health will provide the RioOne Health Information Exchange Participants or Health Direct User with an accounting of all disclosures of that individual’s PHI made by RioOne Health during the six years (or such shorter time period as requested by the individual) prior to the request.

2. If RioOne Health is unable to act on the accounting request within sixty (60) days, RioOne Health may extend the deadline by no more than thirty (30) additional days if, prior to the expiration of the initial sixty (60) days, RioOne Health provides the RioOne Health Information Exchange Participants or Health Direct User with an explanation for the delay and an estimated date of completion. The RioOne Health Information Exchange Participants or Health Direct User will then notify the individual of the reason for the delay. RioOne Health may exercise only one such extension.

3. The content of the accounting provided to the RioOne Health Information Exchange Participants or Health Direct User will consist of the same information as provided below for accounting requests made directly to RioOne Health. In addition, the procedures regarding Exceptions and Suspensions provided below apply regardless of whether the RioOne Health Information Exchange Participants or Health Direct User submits the accounting request to RioOne Health or the individual submits the request directly to RioOne Health.

REQUEST FOR ACCOUNTING MADE BY INDIVIDUALS DIRECTLY TO RIOONE HEALTH

1. An individual may request an accounting of all disclosures pertaining to the individual's PHI made by RioOne Health to a third party during the six years prior to the request with the exception of those disclosures identified below. The individual may request an accounting for a period less than six years.

2. RioOne Health must act on an individual's request for an accounting within sixty (60) days of receiving the request. If RioOne Health is unable to act on the request within 60 days, RioOne Health may extend the deadline by no more than thirty (30) additional days if, prior to the expiration of the initial sixty (60) days, RioOne Health provides the individual with an explanation for the delay and an estimated date of completion. RioOne Health may exercise only one such extension.

3. Accounting requests will be delivered to the Privacy Officer who may designate another RioOne Health Workforce Member to process the request.

4. RioOne Health must provide the first accounting that an individual requests in a twelve (12) month period at no cost. RioOne Health may charge a reasonable cost-based fee for subsequent accountings requested in the same twelve (12) month period. RioOne Health must notify the individual of the cost requirement and allow the individual to withdraw or narrow the scope of his or her request to limit the cost of a subsequent accounting.

REQUIRED INFORMATION

1. The accounting must include all disclosures pertaining to the individual's PHI made by RioOne Health to a third party during the six years (or such shorter time period as requested by the individual) prior to the request, unless an exception applies.

2. For each disclosure, the following information must be included:

- a. The date of the disclosure.
- b. The name and address, if known, of the recipient of the PHI.
- c. A brief description of the PHI disclosed.
- d. A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure. Alternatively,

RioOne Health may include a written request from the third party for the information disclosed.

EXCEPTIONS

1. The following disclosures of PHI are not required to be included in a requested accounting:
 - a. Disclosures made to carry out treatment, payment, and health care operations.
 - b. Disclosures made to individuals of PHI about them.
 - c. Disclosures made incident to a use or disclosure otherwise permitted or required by HIPAA.
 - d. Disclosures made pursuant to an authorization.
 - e. Disclosures made for the Covered Entity's facility directory or to persons involved in the individual's care.
 - f. Disclosures made for national security or intelligence purposes.
 - g. Disclosures made to correctional institutions or law enforcement officials.
 - h. Disclosures made as part of a limited data set.
 - i. Disclosures that occurred 6 years prior to the request.

SUSPENSION OF AN INDIVIDUAL'S RIGHT TO AN ACCOUNTING

RioOne Health must suspend an individual's right to receive an accounting of disclosures made to a health oversight or law enforcement agency if that agency requests that RioOne Health do so.

- a. The agency requesting suspension must submit a written statement that RioOne Health's provision of a requested accounting to an individual would be reasonably likely to impede the activities of the agency. The statement must also state the duration of the requested suspension.
- b. If the agency requesting suspension does not submit a written statement, but rather requests the suspension orally, RioOne Health must:
 - i. Document the identity of the agent and agency requesting the suspension and the reason for it. RioOne Health will include the badge number or a copy of the agent's credentials in the documented record.
 - ii. Effect a temporary suspension of the individual's right to an accounting of disclosures made to that agency.
 - iii. Limit the duration of the suspension to thirty (30) days or less from the time of the oral request, unless a written request is provided during that time.

DOCUMENTATION AND RETENTION

RioOne Health must retain the following documents for at least six years:

- a. The information required to be included in a requested accounting.
- b. Copies of written accountings provided to individuals.
- c. Designation of persons responsible for processing requests for accountings made by individuals.

Responsibility: Privacy Officer; RioOne Health Information Exchange Participants or Health Direct User

Regulatory Category: Privacy Regulations

Regulatory Reference:

- 45 C.F.R. §164.528, Accounting of Disclosures of Protected Health Information [Standard; Required]
- Texas HB-300