

TITLE: PATIENT PARTICIPANT POLICY	
STATUS: FINAL	EFFECTIVE DATE: May 9, 2014
VERSION: 2	PAGE: 1 OF 4

I. PURPOSE

It is the policy of ClinicalConnect HIE to comply with the Health Insurance Portability and Accountability Act (HIPAA) rule pertaining to the notice requirements of its uses and disclosures of PHI and any applicable related state laws that are not preempted by HIPAA. The HIPAA Privacy Regulations can be located at 45 C.F.R. Parts 160 & 164.

In order to achieve such compliance, ClinicalConnect HIE will provide its “Standard Addendum to the Notice of Privacy Practices” (Addendum to the NOPP) which informs the patient as to how information about the patient may be used and disclosed, and provides opportunity for the patient to decline participation in the HIE.

II. SCOPE

ClinicalConnect HIE staff and its Participants

III. DEFINITIONS

“Participant” is an organization (including physician practice) that has signed a Data Exchange Agreement with the ClinicalConnect HIE.

“Patient” includes a person authorized to consent on behalf of a patient who is a minor or lacks decision making capacity.

IV. POLICY

- A. The Addendum to the NOPP shall be used by all ClinicalConnect HIE Participants in accordance with their registration procedures for both inpatients and outpatients. It shall be provided to the patient at the time of their first registration with each Participant and thereafter upon request of the patient.
- B. Each Participant shall post the Addendum to the NOPP along with their Notice of Privacy Practices.
- C. The Addendum to the NOPP shall be revised by ClinicalConnect HIE as necessary and made available whenever changes are made.

- D. The patient has a right to control their participation in the ClinicalConnect HIE, either “opting-in” and allowing their health information to be shared with ClinicalConnect HIE Participants, or “opting-out” and preventing their health information from being shared.
- E. Patient’s participation decision shall be obtained by each Participant through the registration process when the patient is physically present and transmitted from their registration system to be managed by the ClinicalConnect HIE. Each Participant is responsible for communicating the patient’s participation decision to the ClinicalConnect HIE.
- F. The patient shall verbally declare their decision to opt-in or opt-out of the ClinicalConnect HIE. The Opt-Out Election form shall be used to record the patient’s signature when opting-out and filed for future reference. If the patient refuses to sign the Opt-Out Election form, the Participant shall document the patient’s unwillingness on the Opt-Out Election form before filing the form.
- G. Patients who do not express a decision to opt-in or opt-out of the HIE will be assumed to have decided to participate and the patient’s health information will be viewable by ClinicalConnect HIE Participants.
- H. Patient’s declaration to opt-out of the ClinicalConnect HIE remains in effect until patient specifically makes the decision to opt-in and participate (a “no preference” declaration does not change the prior “opt-out” declaration”).
- I. ClinicalConnect HIE shall not share a patient’s health information with Participants until the Addendum to the NOPP has been provided to the patient and the patient has had an opportunity to opt-out.
- J. ClinicalConnect HIE Patient Participant Declaration Example:

Event Description	NOPP Given	Patient Decision	Patient Viewable
01/17/2012, 2:30 PM. PCP visit within Heritage Valley Health System and patient registers as outpatient. Patient receives Addendum to the NOPP but does not verbally opt-in or opt-out. Heritage Valley registration system sends "no preference" decision to ClinicalConnect HIE. Since patient had not previously opted-out, their health information in the HIE becomes viewable by the PCP and other HIE Participants.	Yes	No Pref	Yes

<p>01/31/2012, 9:00 AM. Patient referred to UPMC for procedure and registers as an outpatient. Patient receives Addendum to the NOPP and verbally tells registration staff they want to opt-out of the HIE. Patient is given the Opt-Out Election form to complete and sign. UPMC registration system sends "opt-out" decision to ClinicalConnect HIE and the patient's health information in the HIE is no longer viewable by HIE Participants.</p>	Yes	Opt-Out	No
<p>01/28/2013, 10:00 AM. PCP visit within Heritage Valley Health System and patient registers as outpatient. Third visit at PCP so patient does not receive Addendum to the NOPP. Since patient's most recent participation decision was "opt-out", their health information remains protected and not viewable by HIE Participants.</p>	No	No Pref	No

V. Revision History

DATE	AUTHOR	COMMENTS
5/9/14	Jacqueline Smith	Creation of policy
12/28/15	Erika Jones	Update Template
4/1/2017	Keith Dukes	Reviewed Policy – No Changes