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SUBJECT: Participating Health Care Provider Policies and Procedures

PURPOSE:

This policy establishes the obligations of each participating health care provider.

DEFINITIONS

“Consent” means an individual’s act of giving permission to a Participating Health Care Provider in the Vermont Health Information Exchange (“VHIE” or “Exchange”) to make the individual’s protected health information (“PHI”) available on the Exchange to, or to permit access to it by Participating Health Care Providers who are also involved in the treatment of the individual.

“Health Care Operations” shall mean activities of a Participating Health Care Provider providing treatment to an individual relating to quality assessment and improvement, evaluations relating to the competence of treating providers or necessary administrative and management activities all as defined in the HIPAA Privacy Regulations, 45 CFR §164.501.

A “Participating Health Care Provider” shall mean a health care provider, including any health care organization meeting the definition of a health care facility as defined in 18 VSA § 9402(6), that has executed an effective VHIE Data Services and Participation Agreement with VITL.

“Treatment” shall mean the provision, coordination, or management of health care and related services by one or more health care providers.

POLICY

1. Each Participating Health Care Provider shall, at all times, comply with all applicable federal and state laws and regulations, including, but not limited to those protecting the confidentiality and security of protected health information (“PHI”) and establishing individual privacy rights. Each Participating Health Care Provider shall comply with changes or updates to interpretations of such law and regulations to ensure compliance. Each Participating Health Care Provider shall update its Notice of Privacy Practices to describe its participation in the Exchange when an individual has consented to opt in and make his or her PHI available on the Exchange. Participating Health Care Providers shall be aware of the provisions of certain state laws, for instance, the Vermont patient privilege,

12 VSA §1612, which are more stringent than, and not preempted by, the HIPAA Privacy and Security Regulations. No Participating Health Care Provider shall permit access to PHI from the VHIE for purposes other than treatment, payment for treatment or necessary Health Care Operations without patient authorization, a court order or express requirement of law.

2. Each Participating Health Care Provider shall, at all times, comply with all applicable Exchange policies and procedures (“VHIE Policies”). These VHIE Policies may be revised and updated from time to time upon reasonable written notice to all Participating Health Care Providers. Each Participating Health Care Provider is responsible for ensuring it has, and is in compliance with, the most recent version of these VHIE Policies.
3. Each Participating Health Care Provider is responsible for ensuring that it has the requisite, appropriate, and necessary internal policies for compliance with applicable laws and VHIE Policies, including, without limitation, a sanctions policy. In the event of a conflict between VHIE Policies and Participating Health Care Provider’s own policies and procedures, the Participating Health Care Provider shall comply with the policy that is more protective of individual privacy and security. Participating Health Care Provider shall enforce its policies and procedures by appropriately sanctioning individuals within its workforce and staff who violate its policies, VHIE Policies, or federal or state law.
4. Each Participating Health Care Provider shall have policies and procedures to promote the integrity of the PHI it maintains and makes available to the VHIE and the accuracy, relevance and completeness of such PHI. In the event PHI is amended either at the request of the Individual pursuant to the HIPAA privacy regulations or Vermont law or to otherwise correct inaccuracies, the Participating Health Care Provider making the amendment shall notify the VHIE and other Participating Health Care Providers who have accessed such PHI of such amendments.
5. Each Participating Health Care Provider shall designate individuals who may access the VHIE to retrieve PHI for the treatment of patients. With regard to its designated workforce or staff members, the policies of the Participating Health Care Provider shall require that they:
 - i. have or receive training regarding the confidentiality of PHI under the HIPAA Privacy and Security Regulation and all other applicable federal and state laws and they are obligated to protect PHI in compliance with such laws and VHIE Policies;
 - ii only access the Exchange for purposes of treatment of an individual or necessary health care operations;
 - iii hold any passwords, or other means for accessing the Exchange, in a confidential manner and to release them to no other individual;

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- iv comply with both VHIE Policies and those of the Participating Health Care Provider and that their workforce and staff members understand that their failure to do so may result in their exclusion from the Exchange and may constitute cause for disciplinary action.
6. Each Participating Health Care Provider shall include in its policies and procedures that an individual shall not be denied treatment on the basis that he or she chooses not to consent to make his or her PHI available to the VHIE or who refuses to provide consent to the access by a Participating Health Care Provider to PHI made available by the individual to the VHIE.

APPLICABILITY:

This policy applies to all Participating Health Care Providers connected to the VHIE.

MONITORING PLAN

The VITL Chief Security Officer is responsible for monitoring the plan.

RELATED POLICIES

n/a

REFERENCES

n/a

REVIEWERS

Lauri Scharf, Director of Technology
VITL Board of Directors

SPONSOR'S NAME

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