

TITLE: PATIENT PARTICIPANT POLICY	
STATUS: FINAL	EFFECTIVE DATE: October 9, 2023
VERSION: 7	PAGE: 1 OF 3

I. PURPOSE

It is the policy of ClinicalConnect HIE (CCHIE) for its Participants to comply with the Health Insurance Portability and Accountability Act (HIPAA) rule pertaining to the notice requirements of its uses and disclosures of protected health information, specifically 45 C.F.R. § 164.520, 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.

II. SCOPE

CCHIE employees and its Participants.

III. DEFINITIONS

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

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

IV. POLICY

A. Participants shall ensure that their Notice of Privacy Practices (NOPP) authorizes disclosures to CCHIE and be provided to patients before any patient health information is sent to CCHIE. Participants shall also ensure that their treatment consent forms authorize such disclosure. If assistance is necessary regarding updating the NOPP or treatment consent confirm, the Participant shall timely contact CCHIE.

B. The patient has a right to control their participation in the CCHIE by either “opting-in” and allowing their health information to be shared with Participants or “opting-out” and preventing their health information from being shared.

C. Each patient’s participation decision shall be obtained by each ConnectChart Participant through the registration process when the patient is physically present and transmitted from their registration system to be managed by the CCHIE. Each ConnectChart Participant is responsible for communicating the patient’s participation decision to the CCHIE.

- D. The Opt-Out Election form shall be used to record the patient’s signature when opting-out and filed for future reference. The Participant shall provide patients with a copy of the Opt-Out Election Form when providing its NOPP and treatment consent form and when a patient verbally elects to opt-out of CCHIE. 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 within the patient’s medical record.
- E. Patients who do not express a decision to opt-in or opt-out of CCHIE will be assumed to have decided to participate and the patient’s health information will be viewable by Participants provided that the patient had not opted-out at another Participant’s facility.
- F. Each patient’s declaration to opt-out of the CCHIE remains in effect until the patient explicitly makes the decision to opt-in and participate. For clarification, a “no preference” declaration does not change the prior “opt-out” declaration.”
- G. CCHIE shall not share a patient’s health information with Participants until the Participant has confirmed that its NOPP authorizes such and is available to the patient prior to sending the patient’s health information to CCHIE.

V. Revision History

DATE	AUTHOR	COMMENTS
05/09/2014	Jacqueline Smith	Creation of policy
12/28/2015	Erika Jones	Update Template
04/01/2017	Keith Dukes	Reviewed Policy – No Changes
09/04/2020	Keith Dukes	Applied the following changes: <ul style="list-style-type: none"> • Reformatting template • Reduced “ClinicalConnect HIE” to “CCHIE” • Clarified in “Scope” that Addendum to the NOPP applies to “HIE Participants” • Moved section J example to Page 4
10/04/2021	Keith Dukes	Reviewed Policy – No Changes
09/29/2022	Keith Dukes	Reviewed Policy – Corrected minor grammatical errors
10/05/2023	Keith Dukes	Applied the following changes: <ul style="list-style-type: none"> • Removed reference to the NOPP Addendum in the Purpose and added reference to HIPAA Notice Regulation • Revised section A to address the Participant’s NOPP and treatment consent form • Removed section B and C • In section C (formerly section E) clarified that patient decision requirement is only for ConnectChart Participants • Removed first sentence and added the Participant requirement to provide patient with the Opt-Out Election Form (now section D)

		<ul style="list-style-type: none"> Removed reference to the NOPP Addendum in section I (now section G) and added new Participant NOPP requirement
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CCHIE 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
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.	Yes	Opt-Out	No
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.	No	No Pref	No