

TITLE: SUPER PROTECTED DATA POLICY	
STATUS: FINAL	EFFECTIVE DATE: 08/27/2015
VERSION: 1	PAGE: 1 OF 4

I. PURPOSE

Stringent standards are in place for the use and disclosure of Super Protected Data in accordance with the Pennsylvania Confidentiality of HIV-related Information Act, the Pennsylvania Mental Health Procedures Act, and Pennsylvania and federal laws and regulations regarding drug and alcohol abuse. This policy describes how ClinicalConnect HIE will abide by the standards by not accepting data containing Super Protected Data.

II. OVERVIEW

ClinicalConnect HIE will stay in compliance with state and federal laws and regulations by ensuring its Participants do not send data that includes Super Protected Data (SPD) to the ClinicalConnect HIE Repository because the technology for data segmentation is not available to segment SPD from other data.

III. SCOPE

This policy applies to ClinicalConnect HIE and its Participants

IV. DEFINITIONS

“Licensed Provider” is an organization or individual that is licensed to provide Mental Health and/or Drug and Alcohol treatment related services. An individual or facility that is generally licensed to practice medicine would not be considered a Licensed Provider for the purposes of this policy.

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

“Protected Health Information” or “PHI” shall have the same meaning as set forth in HIPAA.

“Super Protected Data” or “SPD” is defined by the Pennsylvania eHealth Partnership Authority as health information related to HIV/AIDS, mental/behavioral health, drug and alcohol abuse services and treatment administered by a licensed provider or facility.

V. POLICY

- A. Participants shall adhere to Federal and state law when exchanging protected health information (PHI) through the ClinicalConnect HIE. Participants shall obtain any authorizations necessary under Federal or state law prior to the release of PHI to an authorized recipient.

- B. Participants are responsible for ensuring the data sent to the ClinicalConnect HIE Repository does not contain Super Protected Data about a patient.

- C. Super Protected Data is defined by two conditions:
 - 1. Medical data containing the following information:
 - a. HIV/AIDS
 - b. Mental/behavioral health
 - c. Drug and alcohol abuse.
 - 2. The information is created or maintained by a Licensed Provider.

- D. Consistent with a Patient’s right to opt-out, ClinicalConnect HIE will not attempt to limit or restrict types of information that can be accessed through ClinicalConnect HIE by a Participant. Participants who have the technical capability to do so may allow patients to request that sensitive PHI be withheld from the ClinicalConnect HIE. Participants without this capability shall inform patients that the Participant cannot selectively withhold PHI from the HIE, and provide patients with the opportunity to opt-out of the ClinicalConnect HIE.

- E. ClinicalConnect HIE is not responsible for searching the Repository for Super Protected Data. If ClinicalConnect HIE does discover Super Protected Data in the Repository, it will attempt to notify the submitting Participant of the Super Protected Data.

- F. It will be the responsibility of the Participant to either
 - 1. Not send Super Protected Data to ClinicalConnect HIE or
 - 2. Take action to ensure the Super Protected Data is not viewable in the ClinicalConnect HIE Repository based on technical guidelines established by ClinicalConnect HIE.

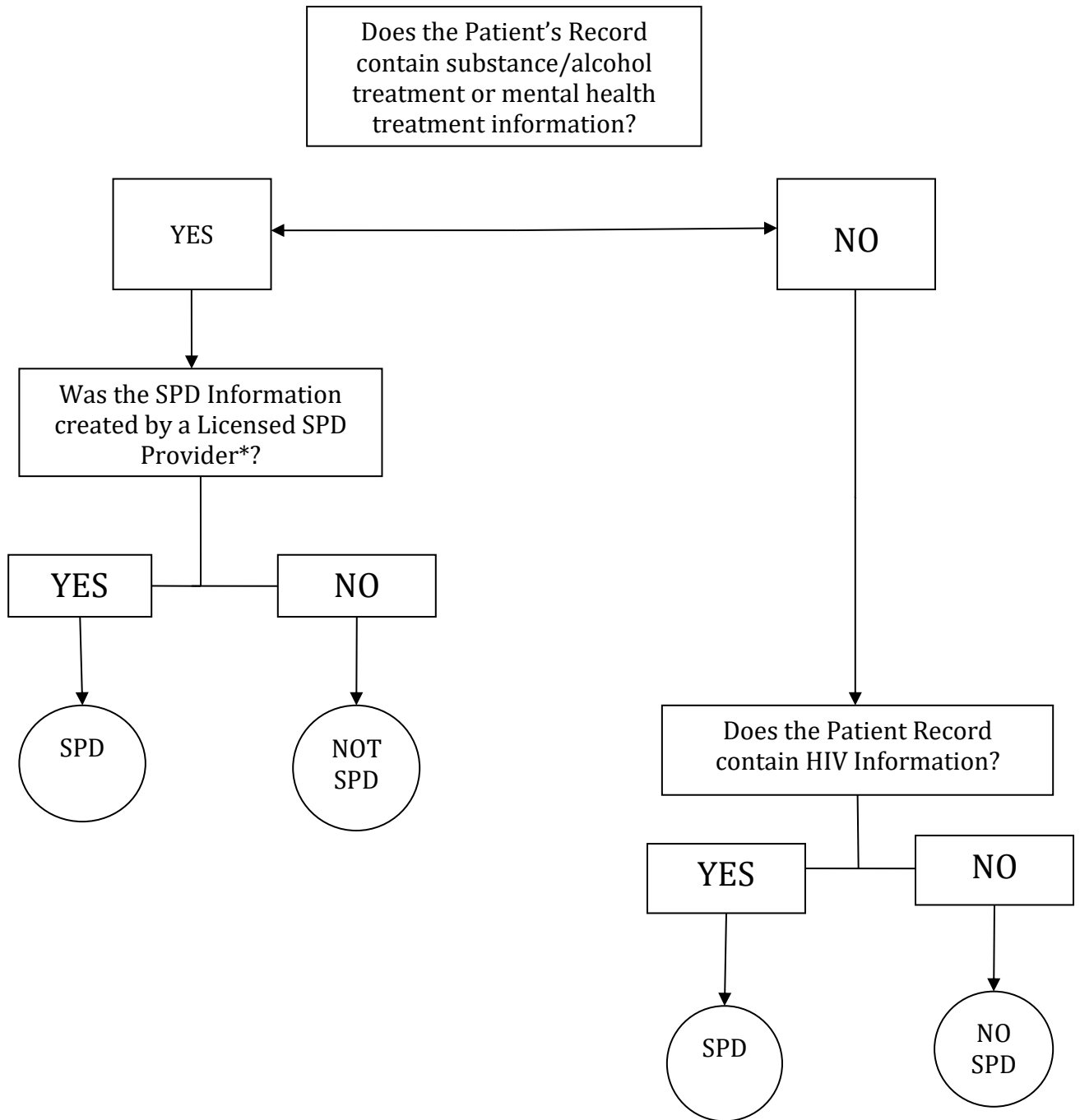
VI. **Revision History**

DATE	AUTHOR	COMMENTS
8/27/15	Erika Jones	Creation of the policy
4/1/17	Keith Dukes	Reviewed Policy – No Changes

SPD USE CASES

1. John Doe goes to his Primary Care Physician for depression. His PCP diagnoses him with depression and prescribes him anti-depressants. – **THIS IS NOT SPD**
2. John Doe goes to a psychiatric facility, such as Western Psych, for depression. The on duty physician diagnoses him with depression and prescribes him an anti-depressant – **THIS IS SPD.**
3. John Doe goes to see a psychiatrist at their independent office for depression. He is diagnosed with depression and given an anti-depressant. – **THIS IS SPD**
4. John Doe goes to the Emergency Room with an anxiety attack. The ER Doctor treats John for depression and prescribes an anti-depressant – **THIS IS NOT SPD**
5. John Doe is admitted to a psychiatric facility for mental health treatment. While at the facility, John Doe has blood work done. The blood work is not related to his mental health treatment – **THIS IS NOT SPD.**
6. John Does is admitted to a psychiatric facility for mental health treatment. While at the facility John Doe contracts a virus. The facility gives John an antibiotic, however it is discovered he is allergic to the antibiotic. This is documented in his record under “allergies,” – **THIS IS NOT SPD**
7. John Doe is admitted to a behavioral treatment facility for substance abuse treatment. Blood is drawn as a part of the treatment at the facility – **THIS IS SPD**
8. John Doe goes to the Emergency Room as a result of an overdose. John Doe is treated for substance abuse – **THIS IS NOT SPD**

SPD Flowchart



*Licensed SPD Provider as defined in the policy