



Accounting of Disclosure Policy

Version	Approval Date	Owner
1.1	October 11, 2018	Pam Clarke

1. Purpose

This policy sets forth the minimum requirements pursuant to which patients are made aware of how their data may be collected, used and disclosed through the HealthShare Exchange (HSX). Patients are assured the right of having an Accounting of Disclosure of their accessed data and made available through HSX.

2. Scope

This policy covers privacy practices across all HSX departments and business units. All HSX employees, interns, contractors, members, users, and third parties are required to comply with this policy. This policy includes access to patient's clinical information through "HSX Systems and Service".

3. Policy

Data Transmission and Access

- Data contained in an HSX Systems and Service that are maintained by a Member or Participant registered with HSX as a Data Exchanger, shall be pushed to and maintained in HSX for and on behalf of the Member or Participant.
- Data contained in an Electronic Health Record (EHR) that is maintained by a Member or Participant registered with HSX as a data supplier will, in general, also be pushed to and maintained in HSX. A data supplier may choose to retain control over when and what data is shared to HSX in accordance with their Participation Agreement.
- Including data in HSX does not automatically permit access to such data by all Members or Participants. Data maintained in the HSX Systems and Service must not be accessed by any Member or Participant unless such access is in accordance with and permissible under HSX policies, and all additional requirements and conditions, including state and federal laws.



Patient Education

- Patients shall be provided with educational information regarding HSX and how their data may be accessed by, disclosed to and used by registered Members or Participants.
- To facilitate patients' understanding regarding where information about them is being generated, stored and being made accessible for exchange, a list of health care providers participating in HSX shall be made available through the HSX website.
- Members or Participants should ensure that their HIPAA Notice of Privacy Practices (NPP) is compliant with the *Notice of Privacy Practices Policy*.

Data Sharing Opt Out of HSX HIE Systems and Services

- Patients who are treated by a healthcare provider who is a Member or Participant of HSX shall be given the option and opportunity to choose to not have their data accessed or made available through HSX.
- In accordance with HSX's Opt-out and Opt-Back-In Policy, patients may exercise their right to be excluded from data sharing through HSX's Clinical Data Repository and Population Health Technologies by completing an Opt Out Form. Once a patient has completed and submitted such Opt Out Form, the patient's decision to Opt Out of having their data shared through HSX's Clinical Data Repository and Population Health Technologies shall be honored.
- Any Member or Participant that receives a copy of the Opt Out Form shall transmit the same without delay to HSX for processing.
- The Opt Out Form shall be made available through the HSX website.

4. Procedure

Members or Participants

- Each Member or Participant shall establish reasonable and appropriate procedures in accordance with HSX policies and procedures to enable a patient's rights regarding data accesses through HSX including their right to Opt Out.
- Each Member or Participant shall be solely responsible for knowing and determining whether and if the patient's oral or written authorization or consent must be obtained prior to allowing access to such patient's data through HSX based on state and federal law.

Accounting of Disclosure

1. Requesting an Accounting of Disclosure:
 - a. Patients may request an Accounting of Disclosure of participating user access of the patient's clinical information from HSX.



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- i. Within the above request, HSX requires the request to include the patient's first name, middle initial, last name, gender, date of birth, address, phone number.
2. Within fifteen (15) business days of receipt of any request by an individual or other requesting party for an Accounting of Disclosures, HSX shall notify all Covered Entities that provided Data for the patient.
3. HSX shall make available to the requesting party the Accounting of Disclosure within thirty (30) business days of the request.
4. The Accounting of Disclosure is provided without cost to the requesting individual if it is the first request by said requesting party within a twelve (12) month period.
5. For subsequent requests by individuals, HSX may charge the requesting party a reasonable fee based upon the HSX labor costs of responding to the request and a cost-based fee for the production of non-electronic media copies. HSX shall inform the requesting party in advance of the fee and the requesting party shall have the opportunity to withdraw or modify the request.
6. HSX will coordinate with the Members or Participants when a request for Accounting of Disclosure is initiated and will provide requestor information to the Member or Participant when necessary.

5. Enforcement

The Chief Information Security Officer (CISO) and Privacy Officer shall be responsible for enforcing compliance of this policy under the direction of the President.

6. Definitions

For a complete list of definitions, refer to the *Glossary*.

7. References

Regulatory References:

- PA eHealth Reference: 7.4. Meaningful Patient Notification
- PA eHealth Information Technology Act Section 701: Consent and confidentiality of health information.



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Related Documents	Approved Use Cases Glossary Notice of Privacy Practices (NPP) Policy Opt-out and Opt-Back-In Policy Participation Agreement		