



Notice of Privacy Practices Policy

Version	Approval Date	Owner
1.1	January 24, 2019	Privacy Officer

1. Purpose

To ensure that patients are provided a HIPAA compliant Notice of Privacy Practices (NPP) that addresses a Member or Participant’s specific privacy practices with regard to exchanging patient and Member or Participant data electronically through HealthShare Exchange (HSX).

2. Scope

This policy covers HSX Members and Participants and their corresponding Authorized users. Third parties are required to comply with this policy.

3. Policy

Provision of Notice of Privacy Practices (NPP):

- Each Member or Participant shall develop, distribute and maintain a NPP that complies with federal and state laws applicable to such Member/Participant, as well as in accordance with this policy.
- Upon request, HSX shall provide Members or Participants with draft language that they may choose to include in their NPP.

Content:

- The NPP shall comply with all applicable state and federal laws and regulations, including HITECH, as may be amended from time to time.
- When a Member or Participant engages in HSX services that result in disclosing Protected Health Information (PHI) to HSX, the Member or Participant shall have an NPP that denotes participation with health information exchange.
- The NPP may include a description of HSX and inform patients regarding:
 - HSX may use or disclose PHI to the external networks including but not limited to The Pennsylvania Patient & Provider Network (P3N), the New



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Jersey Health Information Network (NJHIN) and the Delaware Health Information Network.

- Other health care providers, such as physicians, hospitals and other health care facilities, and health plans and Accountable Care Organizations may have access to PHI information for treatment, care coordination, health care operations, payment, population health and other purposes, to the extent permitted by law.
- The permitted purposes for which protected health information (PHI) can be accessed through a health information exchange like HSX.
- If applicable, how to access PHI through HSX networks.
- Patients have the right to “opt-out” or decline to participate in data sharing via HSX and the P3N.

Provision to Individuals:

- Each Member or Participant shall implement its own procedures governing distribution of the NPP to patients by Members or Participants, which shall be consistent with this policy and comply with HIPAA and HITECH.

Individual Acknowledgement:

- Each Member or Participant may implement its own procedures governing obtaining written acknowledgement, which shall comply with applicable laws and regulations.

Member-Specific Information or Procedures:

- Members or Participants may add clauses to the NPP based on changes to the HSX use cases including P3N and NJHIN use cases as applicable and/or use other mechanisms to inform patients about data uses such as websites or patient pamphlets.
- Members or Participants may opt to have a more proactive NPP distribution process than required under this policy and may include more detail in their NPP regarding specific privacy practices that do not otherwise conflict with or fall below the minimum requirements of HIPAA and HITECH.

Affiliated HIEs:

- With regard to affiliated HIEs, such affiliated HIEs shall ensure that their own HIE sub-network health care providers and participants comply with the principles set forth in this policy.

4. Procedure

None

5. Enforcement

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

Participants and Members are responsible for ensuring compliance with this policy for their own entities.

6. Definitions

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

7. References

Regulatory References:

- HIPAA Regulatory Reference: HIPAA § 164.502(i), HIPAA § 164.520(a), HIPAA § 164.520(b), HIPAA § 164.520(c), HIPAA § 164.520(d), HIPAA § 164.530(i)(4), HIPAA § 164.530(j)
- HITRUST Reference: 13.a Notice of Privacy Practices
- PA eHealth Reference: 7.4 Meaningful Patient Notification

Policy Owner	Privacy Officer	Contact	Pam.clarke@healthshareexchange.org
Approved By	Board HSX Management Team and HSX Privacy and Security Workgroup	Approval Date	January 24, 2019
Date Policy In Effect	July 8, 2015	Version #	1.1
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Related Documents	Glossary Notice of Privacy Practices Template (NPP)
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