



Self-Pay Encounter Information Policy

Version	Approval Date	Owner
1.1	September 26, 2019	Privacy Officer

1. Purpose

The purpose of this policy is to address safeguarding “Self-Pay or cash-pay Encounter” (defined below) data which HealthShare Exchange (HSX) might receive from its Participants and share with health plans. This policy is to ensure that HSX, as a HIPAA Business Associate, supports its Participant’s HIPAA obligation to ensure that its patient’s PHI is not disclosed to a health plan where such patient has exercised the right to restrict the disclosure of PHI to a health plan and the PHI pertains solely to a health care item or service for which the patient, or person on behalf of the patient, has paid for in full: a Self-Pay Encounter.

HSX intends to cooperate and collaborate with its Covered Entity health care provider Participants to ensure that if, in accordance with such Participant’s own HIPAA procedures, a patient properly and expressly submits a request to restrict the sharing of PHI related to a Self-Pay Encounter with a health plan, that there is legal compliance with each such proper request.

2. Scope

This policy applies to Self-Pay Encounter Data disclosed to HSX by Covered Entity health care providers, and which must be restricted from disclosure to and/or access by HSX Participant health plans due to the fact that such Data originated from a properly exercised Self-Pay Encounter. The policy covers the requirements for HSX Covered Entity health care provider Participants and HSX employees, contractors and third parties in complying with HIPAA.

3. Policy

It shall be the policy of HSX to cooperate and work in collaboration with its Covered Entity health care provider Participants to ensure that reasonable and appropriate administrative, technological and physical safeguards are evaluated and implemented to



protect Data originating from properly exercised Self-Pay Encounters from being disclosed to HSX health plan Participants.

4. Procedures

- Whenever the automated technology is available, the HSX Participant is responsible for ensuring that such automated technology is used to indicate all Data related to properly exercised Self-Pay Encounter.
- Whenever automated technology is not available, then the HSX Participant is responsible for ensuring that another reliable manual mechanism is utilized to identify and indicate all Data related to properly exercised Self-Pay Encounter. It is solely HSX Participant's responsibility to ensure that all properly exercised Self-Pay Encounter restrictions on Data are captured at the receiving end and are communicated to HSX.
- The particular mechanism used by the HSX Participant for indicating a Self-Pay Encounter shall be conveyed to HSX during the data feed implementation process. Each data source specifies how Self-Pay Encounter are indicated within their shared data. Part of the implementation process is to identify, document, and place the appropriate indicators for identifying and blocking Self-Pay Encounters from health plans. Data providers may also inform HSX's Privacy Officer through proper notice of any other Self-Pay Encounter which have been manually indicated.
- When an indicator for a Self-Pay Encounter is received by HSX, HSX shall take steps to incorporate such indicator into HSX's technological safeguards which ensure that such flagged Self-Pay Encounter Data is unavailable to HSX health plan Participants.
- In instances when an HSX health plan Participant is subscribed with HSX for one of their members and Data has been received by HSX for the member but has not received any Self-Pay Encounter indicator, HSX's normal procedures allow for such Data to be disclosed to the subscribed HSX Participant health plan, in accordance with all other applicable HSX policies, Use Cases and federal and state laws.

5. Enforcement

- HSX supervisors and HSX managers shall be responsible for ensuring that their staff and HSX consultants comply with this policy during data feed implementations and business go-live meetings.
- Each HSX Covered Entity health care provider Participant and their third-party contractors shall be responsible for ensuring compliance with this policy.
- The CISO and Privacy Officer shall be responsible for enforcing compliance with this policy under the direction of the President.
- Any HSX workforce member who violates this policy is subject to potential sanctions in accordance with HSX's Sanctions Policy.

6. Definitions

Self-Pay or cash pay Encounter: An encounter for which a patient, or a person, other than the health plan on behalf of a patient, pays out-of-pocket and in full for a health care item or service and expressly and **properly requests**, in accordance with the Covered Entity health care provider’s documented procedures for submitting such requests, that such patient’s protected health information (PHI) pertaining solely to such fully paid for item or service be **restricted** from disclosure to a health plan for its payment or health care operations, and which is not otherwise required by law to be disclosed to the health plan.

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

7. References

Regulatory References:

- HITECH Omnibus Rule Federal Register Vol 78 No 17
- HIPAA Privacy Rule, 45 C.F.R. 164.522(a) et seq.

Policy Owner	Privacy Officer	Contact	don.reed@healthshareexchange.org
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Related Documents	Compliance Policy Data Handling, Labeling, and Storage Policy Glossary Sanctions Policy		