

LOUISIANA HEALTH CARE QUALITY FORUM

POLICY: Individual Choice for Sharing Information in LaHIE	EFFECTIVE: 10-01-2011
DEPARTMENT: LaHIE	REVISED:

PURPOSE

To provide guidelines defining the process of how individuals should be provided a reasonable opportunity and capability to make informed decisions about the use and disclosure of their individually identifiable health information as it relates to the Louisiana Health Information Exchange (LaHIE) and in alignment with the HIPAA Privacy Rule as it relates to the Individual Choice Principle in the Privacy and Security Framework.

PROCESS

1. As a HIPAA covered entity, each Participant that intends to electronically exchange protected health information (PHI) to and through LaHIE, primarily for the purpose of treatment, will focus on how the Privacy Rule's provisions for optional consent and the right to request restrictions on certain uses and disclosures can support and facilitate individual choice with respect to the electronic exchange of health information in a networked environment.
2. Commencing the effective date of the Participation Agreement, each Participant that is providing data may elect to adopt an individual consent policy and, as part of the patient admission/registration process, offer each individual/patient the opportunity to make *meaningful choices* with respect to the electronic exchange of their individually identifiable health information.
3. A patient's *meaningful choice* means that choice is:
 - a. Made with advance knowledge/time;
 - b. Note used for discriminatory purposes or as condition for receiving medical treatment;
 - c. Made with full transparency and education;
 - d. Commensurate with circumstances for why PHI is exchanged;
 - e. Consistent with patient expectations; and
 - f. Revocable at any time.
4. Once an individual/patient has indicated his/her choice to participate in LaHIE or not, the Participant is responsible for creating a record of the individual/patient's choice.
5. The Participant is responsible for noting in the LaHIE system the individual/patient's choice and assuring that the presence of an appropriate Patient Authorization Record is maintained.
6. If obtained, each Participant must maintain documentation of each individual/patient's decision to participate or not participate in LaHIE.
7. If the Patient Authorization Record indicates that the individual/patient has chosen to participate in LaHIE, the individual/patient's Confidential Health Information will be exchanged.
8. The Privacy Rule also provides individuals/patients with a right to request that a covered entity restrict uses or disclosures of PHI about the individual for treatment, payment, or health care operations purposes. Covered entities are not required to agree to an individual/patient's request for a restriction, however, they are required to have policies in place by which to accept or deny such requests.
9. An individual/patient may not designate that some Confidential Health Information will be shared through LaHIE, while other information will not. If an individual/patient specifies he/she

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does not wish to have particular Confidential Health Information shared through LaHIE, all information on that patient will be blocked from view through LaHIE.

10. Notwithstanding anything to the contrary set forth in these Policies and Procedures, Participants may disclose individual/patient demographic information to LaHIE even if an individual/patient chooses not to participate in LaHIE.
11. An individual/patient who has opted out of having his or her Health Information available through LaHIE may choose at a later time to have his or her Health Information shared in LaHIE, the individual/patient (or that individual's/patient's representative) must request, in a form or manner determined by the Participant, that the individual's/patient's Health Information be updated to reflect new status made available through LaHIE. If an individual/patient chooses to participate in LaHIE, all available information regarding the individual/patient may be accessed through LaHIE.

APPROVAL:

Cindy Munn

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Louisiana Health Care Quality Forum