

TITLE: Participating Entity Registration and Compliance Requirements	
Policy #: HEN-003	Effective Date: April 4, 2012
Program: Hawai'i HIE	Revision Date: October 17, 2018
Approved By: Hawai'i HIE Board of Directors	

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1. Purpose

This policy defines the requirements for an entity (i.e. business, organization, government entity) to apply for and be accepted as a Participant of the Hawai'i HIE, and receive access to the Hawai'i HIE's Health eNet system ("Health eNet", the "System").

2. Scope

This policy applies to health care organizations and other entities that are seeking acceptance by the Hawai'i HIE to utilize one or more of the Hawai'i HIE's Health eNet ("Health eNet", the "System") service lines.

This policy does not apply to "individual participation", i.e. the availability of an individual's protected health information (PHI) via the Health eNet, and the individual's right to request a change to the availability of his/her PHI. Individual participation is addressed in the Hawai'i HIE's *Individual Rights* (HEN-008) and *Individual Notice and Participation* (HEN-009) Operational Policies and Procedures.

3. Definitions

Compliance (as it pertains to Hawai'i HIE participation). Adherence by a Participant to all requirements of section 4 of this Operational Policy and Procedure applicable to the Participant.

Data Contributor. A Participant that is authorized to provide data and information to other Participants via the Health eNet. Primarily refers to a Participant contributing information to the Health eNet Community Health Record (CHR).

Data Recipient. A Participant that is authorized to receive or obtain information via the Health eNet.

Data Sharing Agreement (DSA) / Participation Agreement (PA). The documented agreement made by and between Hawai'i HIE and each Participating Entity, which sets forth the terms and conditions, rights and responsibilities regarding participation with the Hawai'i HIE and use of the Health eNet. DSAs must be used if a Participant will contribute data to the CHR.

Participant, Participating Entity. An organization or other entity that has entered into a written agreement with the Hawai'i HIE to act as a data contributor, data recipient or both – utilizing one or more of the Hawai'i HIE's information-exchange service lines. A Participating Entity must meet the requirements for participating with the Hawai'i HIE set forth in the Hawai'i HIE's Operational Policies and Procedures.

Registrant. An organization or other entity undertaking the process of registering to become a Hawai'i HIE Participant.

Service Lines (Health eNet). Information-exchange service lines provided by the Hawai'i HIE as part of the Health eNet. For a list or description of current Health eNet service lines, please contact the Hawai'i HIE. Information about current service lines may also be found on the Hawai'i HIE's website at: <http://www.hawaiihie.org/providers>.

4. Policy and Procedures

Entities registering to become Health eNet Participants must meet the following requirements, as applicable on a case-by-case basis, to use the Health eNet.

4.1. Registering for Participation – General Requirements

4.1.1. Types of Entities Allowed to Register for Participation. Each entity registering to become a Health eNet Participant must be one of the following types of entities:

- HIPAA covered entity (CE), i.e. healthcare provider or health plan
- HIPAA business associate (BA) of a CE
- Subcontractor of a BA
- Public health agency
- Entity operating under the authority of a public health agency, e.g. a cancer registry
- A third-party recipient of PHI, as permissible under and in compliance with HIPAA and other applicable laws

- Hybrid Entities – Only “operational components” within hybrid entities, as defined and specified by HIPAA, that are one of the preceding entity types may apply to become Participants; e.g. a pharmacy within a retail establishment.
- Other third-party recipient of PHI, e.g. patient educator – Such third-parties shall provide a use case for review and approval by the Hawai‘i HIE’s Legal/Policy Committee.

4.1.2. Excluded Entities and Individuals. A registering entity must not be excluded from participation in federally subsidized programs.

If a registrant conducts business in the State of Hawaii, then the registrant must be in good standing regarding the State’s requirements to lawfully conduct business in Hawaii.

If a registrant requires a professional/vocational license to practice medicine or otherwise perform a professional service relevant to the registrant’s participation with the Hawai‘i HIE, then the registrant must hold a current, valid license, or otherwise be legally authorized to deliver medical services.

Registrants must also ensure that their workforce members who intend to become Authorized Users of the Health eNet: 1) are not excluded from participation in federally subsidized programs, and 2) if applicable, hold current valid professional/vocational licenses, or otherwise be legally authorized to deliver medical services.

Entities that do not meet the requirements of this section will be excluded from participation with the Hawai‘i HIE. Individuals who do not meet the requirements of this section will be excluded from provisioning as Authorized Users.

Participants are required to notify the Hawai‘i HIE regarding any Authorized Users who no longer meet the provisions of this section.

4.1.3. Health eNet Registration for Participation. Each registrant must complete a Health eNet registration process.

A current Participant may register to use one or more Health eNet service lines. Information about current service lines may be found on the Hawai‘i HIE’s website at: <http://www.hawaiihie.org/providers>.

Procedure
<ol style="list-style-type: none"> 1. During the registration process, prospective and current Participants shall provide the Hawai‘i HIE, at a minimum: <ul style="list-style-type: none"> • Name and address of entity, including: <ul style="list-style-type: none"> ○ The legal entity name and address, as registered in the legal jurisdiction where the entity conducts its operations ○ The official e-mail address for the organization

- Type of entity, as determined using the above criteria in this subsection
- Entity's and its respective Authorized Users' National Provider Identifier (NPI) numbers (if applicable)
- Acceptable statement describing intended use(s) of the Health eNet service line(s). The registrant's intended use(s) of the Health eNet must be acceptable to the Hawai'i HIE. Patient treatment, payment, and care coordination are acceptable uses, while other intended uses will be evaluated to ensure they are legal and allowed per the Hawai'i HIE's operational policies and guidelines. The registrant's choice of service line(s) also factors into determining appropriate minimum use requirements of the System, as specified by HIPAA.
- Points of contact. Points of contact serve as liaisons between a Participant and the Hawai'i HIE for contractual, operational and compliance purposes. A registrant may designate a given individual to serve as multiple points of contact, based on the registrant's preference and/or the number of its workforce members available to fulfill these roles:
 - Contract signatory name and contact information:
The contract signatory must have legal authority on behalf of his/her entity to execute a Data Sharing Agreement or Participation Agreement with the Hawai'i HIE. The contract signatory may also designate a representative (e.g. an executive assistant) to serve as the point of contact for the signatory.
 - Primary Point of Contact name and contact information:
The Primary Point of Contact is the main point of contact between the Hawai'i HIE and a Participant regarding Health eNet operations.
 - Site Administrator name and contact information:
The Site Administrator performs duties related to Authorized User access management, as directed by the Participant. The Site Administrator may be the Hawai'i HIE, based on agreement between the Participant and the Hawai'i HIE. The responsibilities of the Site Administrator are further described in the Hawai'i HIE's *Access Management* (HEN-005) Operational Policy.
 - Privacy Officer name and contact information (if applicable):
Organizations that are CEs must designate a Privacy Officer.
 - Security Officer name and contact information (if applicable):
Organizations that are CEs utilizing and intending to contribute or receive electronic PHI via the Hawai'i HIE's services must designate a Security Officer.
 - Incident Response Point of Contact name and contact information:
The Incident Response Point of Contact is responsible for receiving notifications from the Participant's workforce members regarding events that may involve unauthorized activities that adversely affect individuals, the Health eNet, the Hawai'i HIE and/or Participants. Please see the Incident Response and Mitigation policy for additional information.

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| 2. The Hawai'i HIE will work with the registrant as needed to identify which Health eNet service lines the registrant is eligible to use that are beneficial to the registrant. |
| 3. The Hawai'i HIE will verify that the registrant meets the requirements set forth in section 4.1. |

4.2. Registering for Participation – Registrant-Specific Requirements

Once the Hawai'i HIE has verified that a registrant meets all of the above General Registration Requirements, registrants must meet requirements based on their respective entity types.

Procedure
<p>1. Each registrant must meet additional documentation requirements as reasonably requested by the Hawai'i HIE, as follows:</p> <ul style="list-style-type: none"> • Registrants will work with the Hawai'i HIE to determine which specific documents are required, and in which cases a registrant may provide a written attestation to the Hawai'i HIE that the registrant possesses the document in lieu of submitting the document. • If a registrant plans to contribute information to or receive information via the Health eNet using an electronic health record (EHR) system, then the EHR system must be certified for Meaningful Use, as provided for in the HITECH Act and further defined by the Department of Health and Human Services. • If a registrant plans to establish a secure conduit via the Health eNet, then the registrant must work with the Hawai'i HIE to verify that all required specifications for data transmission and interface development are met.
<p>2. The Hawai'i HIE will assist registrants, as necessary, to determine if a given document is required, e.g. in the event the need for a document depends on the registrant's entity type or purpose for using the Health eNet.</p>

4.3. Acceptance, Rejection and Re-Consideration of Registrants

The Hawai'i HIE will base its decision to accept or reject a registrant as a Participant on the registrant's adherence to the requirements set forth in this policy.

4.3.1. Acceptance.

Procedure
<p>1. If a registrant is accepted by the Hawai'i HIE, the registrant shall sign a Data Sharing Agreement or Participation Agreement with the Hawai'i HIE and other required participation documents.</p>
<p>2. The Hawai'i HIE will then work with the new Participant to verify that all other required technical specifications and criteria are met for the Participant's use of the selected Health eNet service line(s).</p>

4.3.2. Rejection and Re-Consideration.

Procedure
1. The Hawai'i HIE will notify the registrant of the decision, including any identified deficiencies in meeting registration requirements in the event of a rejection.
2. If a registrant is rejected by the Hawai'i HIE, a registrant may correct the deficiencies in meeting the registration requirements identified by the Hawai'i HIE, then complete the registration process again to be re-considered for participation.

More detailed information about the Hawai'i HIE's process for reviewing registrants' qualifications as Participants may be found on the Hawai'i HIE's website at: <http://www.hawaiihie.org/policies>.

4.4. Ongoing Compliance with Participation Requirements

Participants are required to maintain ongoing compliance with the requirements of this Operational Policy and its Procedures in order to retain Health eNet participation, and notify the Hawai'i HIE of any non-compliance with the provisions of this policy and/or its procedures.

In the event the Hawai'i HIE determines that a Participant is no longer in compliance with the requirements of this policy, the Hawai'i HIE may suspend a Participant and Participant's Authorized Users from using or connecting to the Health eNet, terminate such System access, and/or terminate the Data Sharing Agreement or Participation Agreement with a Participant.

Please see the Hawai'i HIE *Participation Suspension, Termination and Reinstatement* (HEN-004) Operational Policy for additional information regarding suspension and termination of participation.

5. Revision History

Revision Date	Revision Type*	Author(s)	Revision Rationale, Description	Approved by
April 4, 2012	New	Hawai'i HIE	Initial version of policy	Christine Sakuda
July 15, 2013	Amendment	Legal/Policy Committee (policy sub-committee)	Content and technical-writing edits, policy identification number revision	Hawai'i HIE Board of Directors
Oct. 21, 2015	Amendment	Legal/Policy Committee	Table of contents and section numbering added; conversion of process details into procedures, existing definitions and policy sections edited to reflect current Health eNet services and	Hawai'i HIE Board of Directors

			operations	
July 14, 2016	Amendment	Legal/Policy Committee	Edits to subsection 4.1.1 and Appendix A	
October 17, 2018	Amendment	Legal/Policy Committee	Scheduled substantive review of operational policy; edited for conformity with applicable laws, standards, and guidance	Hawai'i HIE Board of Directors

* Revision Type options = New, Amendment, Minor Amendment, Consolidation (i.e. merging of multiple policies)