

TITLE: Definitions	
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1. Purpose

The following definitions apply to the use of information exchange service lines offered by the Hawai'i HIE.

2. Scope

These definitions pertain to various terms used in the Hawai'i HIE operational policies and procedures governing participation with the Hawai'i HIE and utilization of the Hawai'i HIE's Health eNet system ("Health eNet", the "System").

3. Definitions

Access. The ability or the means necessary to view, contribute, modify, or communicate data/information via the Health eNet, or otherwise make use of the System.

Access Additional Records. A privilege that provides access to a patient's information in the Health eNet Community Health Record prior to the User establishing a treatment, payment or limited health care operations relationship with the patient. Formerly referred to as "Break Glass".

Audit. An evaluation of data or other information pertaining to Health eNet user activity, the System's Authorized User population, the System itself (i.e. functionality of the System's physical or logical components), or operational processes associated with the System, to identify potential security risks, and to ensure that only individuals with a current need to use the System have access to the System.

Authentication. The process for verifying that an individual or software program accessing the Health eNet is the Authorized User the person or entity claims to be.

Authorization. The process of determining whether a particular User has the right to access the Health eNet, and determining the privileges associated with such access.

Authorized User. A person who has met the requirements of the Hawai'i HIE's *Access Management* (HEN-005) Operational Policy and Procedures for obtaining Health eNet access authority.

Breach. A violation of: 1) the Data Sharing Agreement / Participation Agreement between the Hawai'i HIE and a Participant; or 2) Hawai'i HIE's policies or laws governing privacy or security of individually identifiable information, which may be but is not limited to a HIPAA breach.

Breach Notification. Notification provided by the Hawai'i HIE or Participants regarding a breach, as required by HIPAA, other applicable laws and/or the Hawai'i HIE's policies and procedures.

Break Glass. See "Access Additional Records".

Business Associate. Shall have the meaning provided under 45 CFR §160.103, which generally identifies a person or entity permitted to perform certain functions or activities that involve the uses or disclosures of protected health information on behalf of a Participating Entity. In turn, a subcontractor may be a business associate of a covered entity's business associate. Generally speaking, the Hawai'i HIE is a business associate of its Participants that are HIPAA covered entities.

Business Associate Agreement (BAA). A written signed agreement between a Covered Entity and a Business Associate, or between a business associate and subcontractor (as the foregoing terms are defined at 45 CFR §160.103), meeting the HIPAA specifications for such agreements at 45 CFR Subpart C and Subpart E.

Care Coordination. The deliberate organization of patient care activities between two or more participants involved in a patient's care (e.g. health care providers, health plan – and including the patient) to facilitate the appropriate delivery of health care services for the patient. Organizing care involves the marshalling of personnel and other resources needed to carry out all required patient care activities, and is often managed by the exchange of information among participants responsible for different aspects of care.

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

Confidential Information. Personally Identifiable Information, Protected Health Information and Proprietary Information.

Covered Entity. A health care provider, health plan or health information clearinghouse that meets the HIPAA Privacy definition set forth at 45 CFR §160.103.

Community Health Record (CHR). Patient information that is contributed (i.e. transmitted) to the Health eNet by various Participants (e.g. hospitals, independent practices, laboratories, pharmacies, health plans) involved in a patient's care over time, and made available to Health eNet Authorized Users with CHR access.

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

Data Access and Management Committee. Hawai'i HIE standing domain committee comprised of Hawai'i HIE directors and staff members, and stakeholder and community representatives, chartered to develop and review procedures regarding information privacy and security, and data access applicable to the Hawai'i HIE.

Data Integrity. Protocols for maintaining and assuring the accuracy, reliability and consistency of data.

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

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

De-Identified Data. Health information lacking individually identifying information, and not considered Protected Health Information under HIPAA, per specifications at 45 CFR §164.514.

Designated Record Set. A group of records, e.g. medical records and billing records, maintained by or for a HIPAA covered entity, that meet the definition at 45 CFR §164.501.

Direct-Secure Messaging. An online messaging service allowing one Participant to send secure, encrypted messages to another Participant; e.g. a message sent by a primary care physician to an ancillary care provider containing patient information required by the ancillary care provider.

Directed Exchange. The transmission and receipt (e.g., exchange) of information about a patient between specific healthcare providers that have a clinical relationship with the patient. An example would be the lab sending results to the requesting provider via the Hawai'i HIE's Health eNet system. This technology is transaction-based and functions to provide secure fully electronic exchange of information in lieu of the current paper process of mailing or faxing a laboratory result, discharge summary, transition-of-care document (TCD) or other type of document containing patient information.

Electronic Health Record (EHR) / Electronic Medical Record (EMR). Electronic systems used to collect and store relevant patient health information electronically. EMRs/EHRs may include, and are not limited to, computerized physician order entry, electronic prescribing, and decision-support functionality to improve patient safety and overall quality of care.

Electronic protected health information (ePHI). Electronic information relating to the diagnosis, treatment, tests, prognosis, admission, discharge, transfer, prescription, claims, or other data or

information implicitly or explicitly identifying an individual, as defined 45 CFR §160.103. ePHI is a subset of Protected Health Information (PHI).

Emergency. May refer to: 1) an overwhelming incident that exceeds the effective response capability of the impacted health care facility (e.g. another hospital needs to evacuate its patients, and this hospital must accommodate those incoming patients and staff to manage the emergency), 2) a situation that potentially threatens the life of a patient or other person.

Emergency, Proclaimed by State Government (“State Emergency”). Any occasion or instance for which, in the determination of the executive branch of the State of Hawaii, State assistance is needed to support efforts and capabilities to save lives, and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of Hawaii. Emergency assistance differs from disaster assistance. It is intended to avert a catastrophe through the support of emergency actions. It does not include any restoration or permanent repairs. An emergency does not have to be a natural disaster. For example, it may be a widespread water system contamination.

False Negative. Failure to match two records that represent the same individual, when identifying an individual for the purpose of health information exchange.

False Positives. Creating a link between two records that do not represent the same individual, when identifying an individual for the purpose of health information exchange.

Hawaii Health Care Privacy Harmonization Act. In July of 2012, Hawai‘i HIE was on hand for Gov. Neil Abercrombie’s signing into law of legislation (HB 1957) that helps facilitate the safe electronic exchange of patient health records. Act 315(12), known as the Harmonization Bill (Act), aligns the state’s complex set of more than 50 regulations relating to the sharing of personal health care records with the federal Health Insurance Portability and Accountability Act (HIPAA). The bill enables health care providers to improve patient health care without the burden of various and conflicting state privacy statutes, and was incorporated in into the Hawaii Revised Statutes as HRS 323B.

Hawai‘i Health Information Exchange (Hawai‘i HIE). Hawaii’s state designated entity (SDE) for health information exchange; and its affiliated workforce members, acting within the scope of their duties for the Hawai‘i HIE.

Health Care Provider. A professional health care provider licensed by the state to provide health care services.

Health eNet. The Hawai‘i HIE’s tradename for its collective information-exchange service lines. Also referred to as the “Hawai‘i HIE System”, “HIE System” or the “System” in the operational policies and procedures. For a list or description of current Health eNet service lines, please contact the Hawai‘i HIE.

Point-to-Point Conduits. A secure, encrypted dedicated interface between two remote Participants that allows for batched / large sets of data to be transmitted from one Participant to the other, e.g.

an interface between a hospital and the State of Hawai'i for immunization or other public health reporting.

Health Information Exchange (HIE). May refer to: 1) a private or governmental entity that provides a technical infrastructure to connect computer systems or other electronic devices used the HIE's Participants to facilitate the secure transmission of health information, 2) the exchange of such information between Participants via an HIE.

Health Information Technology (Health IT or HIT). The use of computer hardware, software, or infrastructure to record, store, protect, and retrieve clinical, administrative, or financial information.

Health Insurance Portability and Accountability Act of 1996 (HIPAA). Federal legislation that includes the standards and specifications for privacy of individually identifiable health information and security safeguards for electronic protected health information (45 CFR Parts 160,162 and 164) set forth by the U.S. Department of Health and Human Services, as has been amended since enacted (e.g. via the HITECH Act and HIPAA Omnibus Final Rule) and may be further amended or superseded in future.

Health Information Technology for Economic and Clinical Health (HITECH) Act. The Act passed as a part of the American Recovery and Reinvestment Act (ARRA) of 2009, and the regulations and rules there under, as amended from time to time, including Sections 13401, 13402, 13404, 13405, 13406, 13408, and 13409 and the other regulations promulgated there under pertinent to Hawai'i HIE (the "HITECH Rules"). The HITECH Act, for example, provided for the HIPAA Breach Notification Rule.

Incident. An event involving an unauthorized activity related to Confidential Information or the Health eNet's functionality. An incident may be a: 1) Privacy Incident: an event involving unauthorized access, use, or disclosure of Personally Identifiable Information, whether in oral, hardcopy or electronic form; 2) Security Incident: an event involving an unauthorized attempt to access, use, obtain, disclose, modify, or destroy Confidential Information within or via the Health eNet, and/or to tamper with the functionality of the System. It is possible for a given event to be construed as both a Privacy Incident and a Security Incident.

Legal/Policy Committee. Hawai'i HIE standing domain committee comprised of Hawai'i HIE directors and staff members, and stakeholder and community representatives, chartered to develop and review all legal policies regarding information privacy and security, and data access applicable to the Hawai'i HIE.

Major Disaster, Proclaimed by State Government ("Major Disaster"). Any natural catastrophe including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, any fire, flood, or explosion which, in the determination of the executive branch of the State of Hawaii, causes damage of sufficient severity and magnitude in any part of Hawaii to warrant major disaster assistance by the State to support the efforts and available resources within Hawaii to alleviate the damage, loss, hardship, or suffering caused by the catastrophe.

Master Patient Index (MPI). A database that maintains a unique index (or identifier) for every patient whose information has been contributed to the Health eNet by a Participating Entity.

Minimum Necessary. The standard set forth in HIPAA (45 CFR §164.502(b), 164.514(d)) requiring that access, use and disclosure of protected health information (PHI) should be limited to the minimum necessary to satisfy a particular purpose or carry out a function related to the health care of an individual.

Notice of Privacy Practices. A notice provided by a HIPAA covered entity intended to inform individuals of their privacy rights with respect to their Protected Health Information.

(The) Office of the National Coordinator for Health Information Technology (ONC). A federal agency within the U.S. Department of Health and Human Services (“HHS”) that supports the adoption and promotion of health information technology and nationwide health information exchange to improve the healthcare of the U.S. population.

(The) Office for Civil Rights (OCR). A federal agency within the U.S. Department of Health and Human Services (“HHS”) that, among other duties, enforces the various HIPAA Rules.

Operational Policies and Procedures. Policies and procedures developed by the Hawai‘i HIE to govern: 1) participation with the Hawai‘i HIE, and 2) the operation and utilization of the Hawai‘i HIE’s Health eNet System. The Operational Policies and Procedures are published by Hawai‘i HIE on its website (<http://www.hawaiihie.org>), and amended from time to time. The Operational Policies are incorporated by reference into Hawai‘i HIE Data Sharing Agreements and Participation Agreements, and are binding on Participants and their Authorized Users of the System.

Opt-In, Opt-Back-In. The process that allows an individual’s PHI in the Health eNet Community Health Record (CHR) to be accessed by Authorized Users of the System. By default, individuals whose information is contributed to the CHR are opted-in to the System. If an individual has opted-out of participation in the CHR, the individual (or his/her personal representative) may request, via the individual’s physician (or other HIPAA covered entity involved in the care of the individual), to rescind the opt-out and allow access to the individual’s information in the CHR to resume.

Opt-Out. The process whereby access to an individual’s information in the Health eNet Community Health Record (CHR) is blocked/stopped, as a form of restriction of access to Protected Health Information. Participants that are HIPAA covered entities decide whether or not to grant opt-out requests by individuals or individuals’ personal representatives.

Participation Agreement. See Data Sharing Agreement.

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.

Patient. An individual who seeks treatment or medical care from a Participant or an individual about whom a Participant maintains personal health data or other information. A Patient's rights may be exercised by the Patient or by a personal representative as set forth in HIPAA at 45 CFR Subpart E.

Patient Data / Patient Information / Patient Health Information. Data or information provided by a Data Provider pursuant to the Data Sharing Agreement, including treatment and clinical information. If such data/information is accessed or disclosed by or on behalf of a HIPAA covered entity, then the data/information is considered Protected Health Information (PHI).

Payment. The activities undertaken by a health plan to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits under the health plan, or by a covered health care provider or health plan to obtain or provide reimbursement for the provision of health care.

Personal Representative. A person, e.g. parent or guardian, agent acting for an individual under a power of attorney, with the authority to act on behalf of an individual, living or deceased, regarding decisions related to the individual's health care and/or exercising the individual's rights permitted by HIPAA with respect to the individual's protected health information, per 45 CFR §164.502(g) and applicable state law.

Personally Identifiable Information (PII). Any information that permits the identity of an individual to be directly or indirectly inferred, including any other information which is linked or linkable to that individual. If such information pertains to the health care of an individual, and is accessed or disclosed by or on behalf of a HIPAA covered entity, then the information is considered Protected Health Information.

Primary Point of Contact. The person serving as the main point of contact between the Hawai'i HIE and a Participant regarding Health eNet operations.

Proprietary Information. Non-public Information, other than PII, that is the property of the Hawai'i HIE or its Participants, including but not limited to: trade secrets, plans, designs, research and development, pricing, new product and marketing plans, programming codes, and financial information.

Protected Health Information (PHI). Personally Identifiable Information related to the health care of an individual that meets the HIPAA definition at 45 CFR §160.103.

Provisioning. The process by which Authorized Users are granted authorization and access to use the Health eNet via an established unique user identity, password, and assignment of access rights and privileges based on the "least privilege" (i.e. the minimum need to know or access information) for using the System that the Authorized User should be provided to fulfill his/her user role.

Query (of the Health eNet Community Health Record). A process that allows: 1) Participants to transmit/contribute patient information to their respective Health eNet CHR databases, and 2) Participants to query/receive a view of the information for a given patient contributed by multiple

Participants. e.g. an emergency department physician querying the Health eNet for comprehensive medical history of a patient.

Record Locator Service (RLS). A service within a health information exchange system that utilizes a Master Patient Index to identify the various records associated with a given individual and make aggregated information about the individual available for access by Authorized Users.

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

Reinstatement (of a Participating Entity). Reactivation of a Participant's and its Authorized Users' Health eNet access rights.

Restricted Information. Protected Health Information that requires express written consent or authorization for any use or disclosure under circumstances other than medical emergencies, per federal and/or other applicable laws. For purposes of the Hawai'i HIE Operational Policies, Restricted Information only includes alcohol and substance abuse treatment program records protected under 42 CFR Part 2 regulations, and psychotherapy notes as defined by HIPAA (45 CFR §164.508(a)(2)).

Role-Based Access. The process for determining an Authorized User's Health eNet access rights and privileges based on the User's job function and the information needed to perform that job function.

Sensitive Information. PHI, other than Restricted Information, currently or historically subjected to special privacy protection under federal and/or state laws, including but not limited to HIV/AIDS, mental health, reproductive health, sexually transmitted disease, and genetic testing information.

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.

Site Administrator. The person responsible for performing duties, as directed by a Participant, related to activating and making changes to Authorized Users' Health eNet access privileges, coordinating with subcontractors and Site Administrators as necessary. A Participant's Site Administrator may be one of its workforce members or a Hawai'i HIE workforce member designated to serve as the Participant's Site Administrator.

Suspension (of a Participating Entity). Temporary deactivation of a Participant's Authorized Users' Health eNet access rights, while the Data Sharing Agreement or Participation Agreement between the Hawai'i HIE and the Participant remains in effect.

Subcontractor. A person or organization to whom/which a business associate delegates a function, activity, or service, and is not part of the business associate's workforce.

System Administrator. A Hawai'i HIE workforce member responsible for performing duties related to maintenance of the Health eNet and support of the System's Authorized Users.

Termination (of a Participating Entity). Cancellation of the Data Sharing Agreement or Participation Agreement between the Hawai'i HIE and a Participating Entity, and associated deactivation of that entity's Authorized Users' Health eNet access rights.

Treatment. The provision, coordination or management of health care and related services by one or more health care providers.

Unsecured Protected Health Information. Protected Health Information (PHI) meeting the HIPAA definition at 45 CFR § 164.402, and includes PHI that has not been rendered unusable, unreadable, or indecipherable to unauthorized individuals through the use of a technology or methodology as specified at 45 CFR §164.400-414 or by guidance provided under the HITECH Act (please see §13402(h)).

Very Important Person (VIP). A status corresponding to additional or elevated security protocols (e.g. additional authentication and/or attestations of valid access by Users) assigned to a patient by a Participant and applied to the patient's record, based on the Participant's policies and procedures.

Workforce Member. An employee, contractor, subcontractor, agent, volunteer, intern, or other member of the workforce – whether permanently or temporarily hired/contracted – of the Hawai'i HIE, its Participating Entitys or their respective business associates.

4. Policy and Procedure

The interpretation that will best allow the Hawai'i HIE and its Participants to comply with applicable laws and related regulatory guidance shall be applied to the definitions above. Any term included in the Hawai'i HIE's Operational Policies and Procedures; and defined in HIPAA, the HITECH Act, and subsequent laws amending HIPAA; shall maintain the definition given to it in the HIPAA regulations.

Procedure
1. The Hawai'i HIE will periodically edit and add entries to the Definitions in section 3 as necessary to reflect changes to the Hawai'i HIE's Operational Policies and Procedures, and applicable laws.

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
June 19, 2013	Amendment	Legal/Policy Committee (policy sub-committee)	Edits to current definitions, new definitions added, policy identification number revision	Hawai'i HIE Board of Directors
July 31, 2015	Minor Amendment	Legal/Policy Committee	Edits to current definitions; table of contents, section numbering and new definitions added	Hawai'i HIE Board of Directors
Oct. 5, 2016	Minor Amendment	Legal/Policy Committee	Edits to current definitions, new definitions added	Hawai'i HIE Board of Directors

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