

TITLE: Restricted and Sensitive Health Information	
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Program: Hawai'i HIE	Revision Date: January 11, 2016
Approved By: Hawai'i HIE Board of Directors	

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1. Purpose

Certain types of protected health information (PHI) are subject to special protection (i.e. restrictions) under federal and/or state laws. Other types of PHI may be deemed so sensitive that a Participant may make special provisions to safeguard the information, even if not currently legally required to do so. This policy will define how the Hawai'i HIE and its Participants will manage Restricted and Sensitive Information when utilizing the Hawai'i HIE's Health eNet system ("Health eNet", the "System").

2. Scope

This Policy pertains to all Health eNet service lines used to exchange Restricted and Sensitive Information. This Policy applies to the Hawai'i HIE and to all Hawai'i HIE Participants, including their workforce members, Business Associates (BAs) and subcontractors of their BAs.

3. Definitions

Restricted Information. PHI that requires express written authorization for any use or disclosure (other than medical emergencies) per federal and/or state laws. For purposes of this policy, Restricted Information only includes alcohol and drug abuse treatment program records protected under 42 CFR Part 2 regulations, and psychotherapy notes as defined by HIPAA at 45 CFR 164.508(a)(2).

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/ARC, mental health, reproductive health, sexually transmitted disease, and genetic testing information.

4. Policy

4.1. Usefulness of Data for the Participant. For exchanged data to be useful, the Participant using the data should know whether the information is complete or if certain information may not be accessible via the Health eNet due to federal and/or state laws, or due to the policies of Participants that may limit what data is contributed to the Health eNet.

4.2. Restricted Information.

4.2.1. No Exchange of Restricted Information via the Health eNet. Data-contributing Participants shall not exchange Restricted Information using any Health eNet service. Accordingly, Participants accessing and using other Participants' information obtained via the System may assume that the information will not include Restricted Information, including but not limited to alcohol and drug abuse treatment program records and psychotherapy notes.

Procedure
1. Participants shall implement operational and technical protocols and safeguards to prevent exchange of Restricted Information via the Health eNet.

4.2.2. Incidents Involving Erroneous Transmission or Receipt of Restricted Information.

In the event a Participant discovers that Restricted Information has been exchanged via or stored in the Health eNet, the Participant shall immediately notify the Hawai'i HIE and mitigate risk to the Restricted Information: including, if possible, removing the Restricted Information from the Health eNet. Such incidents include but are not limited to Restricted Information:

- Transmitted to and stored in the CHR by a contributing Participant
- Received via query by a Participant using the CHR
- Received via Direct-Secure Messaging or Referral services by a Participant

Participants shall comply with their respective policies regarding such disclosures of PHI or information subject to the confidentiality safeguards of 42 CFR Part 2.

Procedure
1. Participant immediately notifies the Hawai'i HIE Help Desk via phone of Restricted Information in the System.
2. Hawai'i HIE Help Desk logs reported presence of Restricted Information in the System.
3. Hawai'i HIE Help Desk immediately notifies the contributing Participant's Primary Point of Contact of the incident by phone, fax and/or email.
4. Contributing Participant immediately prevents further transmission of Restricted Information to the Health eNet.

<p>5. Contributing Participant removes Restricted Information from the CHR, following directions provided by the Hawai'i HIE and with assistance from the Hawai'i HIE as needed, and replaces the information with a "Message in Error" statement, with date/time of removal, and contact information for obtaining information about the amended record/document.</p> <p>The Hawai'i HIE will amend information in its designated record set for an Individual who is the subject of the Restricted Information, if necessary, to ensure that any references to the Individual being treated by a program within scope for 42 CFR Part 2 are removed.</p>
<p>6. Hawai'i HIE Help Desk will notify the Hawai'i HIE Incident Response Team, per the Hawai'i HIE's HEN-012 <i>Incident Response and Mitigation</i> Operational Policy and Procedure for handling of cooperative investigation of potential unauthorized disclosure of Restricted Information.</p>

4.3. Sensitive Information. Participants will contribute Sensitive Information to the Health eNet CHR, and exchange Sensitive information via Health eNet Secured Messaging and Secure Conduits, in compliance with applicable laws and according with their respective policies and procedures regarding disclosures of PHI.

<p>Procedure</p>
<p>1. Refer to and follow steps outlined in the Hawai'i HIE's HEN-003 <i>Participating Entity Registration and Compliance Requirements</i> Operational Policy and Procedure regarding Participating Organization Registration.</p>
<p>2. Participants will verify their users and provide documentation of individual Health eNet Authorized Users and the users' assigned roles, per the Hawai'i HIE's HEN-005 <i>Access Management</i> Operational Policy and Procedure.</p>

4.4. Applicability to Business Associates and Subcontractors. Participants shall make this policy applicable to their BAs and to the subcontractors of their BAs through the terms of their BA Agreements.

5. Revision History

Revision Date	Revision Type*	Author(s)	Revision Rationale, Description	Approved by
June 19, 2013	New	Legal/Policy Committee (policy sub-committee)	Initial version of policy	Hawai'i HIE Board of Directors
Jan. 11, 2016	Amendment	Legal/Policy Committee	Table of contents, section numbering and procedures added; existing definitions and policy sections edited to reflect current Health eNet services and operations	Hawai'i HIE Board of Directors

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