

Health eNet Individual Rights Guide *(Attachment to HEN-008)*

Purpose

The Health Insurance Portability and Accountability Act of 1996, i.e. HIPAA, which includes the federal regulations regarding the privacy and security of individually identifiable protected health information (PHI), provides individuals with certain rights regarding their PHI accessed, used and disclosed via the Hawai'i Health Information Exchange (Hawai'i HIE) Health eNet System. This guide describes such individual rights, and the roles of individuals, the Hawai'i HIE and Participants in allowing individuals to exercise those rights.

Introduction

An individual's health information is available electronically through the electronic health information exchange services that comprise the Health eNet. Healthcare providers, who have or have had a treatment relationship with the individual, may search the Health eNet to access PHI stored in the system needed to provide patients with coordinated and comprehensive healthcare. Individuals have the option to request that their PHI in the Health eNet not be accessible electronically. This is called 'Opt-Out'. Individuals who have Opted-Out may "Opt-Back-In" at any time. An individual's PHI will not be searchable during the time they are Opted-Out. Individuals should talk to their healthcare providers if they have any questions the specific role that participation in the Health eNet plays in providing healthcare, and any risks or other consequences that may result from Opting-Out.

Individual Participation in the Health eNet

By default, the participation status of an individual whose PHI has been contributed to the Health eNet Query by a Participant is Opted-In, i.e. the individual's PHI may be accessed via the Health eNet Query.

To change participation status, an individual may request blocking (i.e. to "Opt-Out" of) queries of his/her PHI via the Health eNet. After Opting-Out, individuals may also request to "Opt-Back-In" at any time, allowing queries of their PHI to resume. Individuals cannot Opt-Out of disclosures for public health activities, except as provided by applicable laws. Individuals also cannot Opt-Out of other disclosures required by law (e.g. subpoenas, court orders).

To Opt-Out or Opt-Back-In, individuals are required to complete the appropriate form. These forms may be obtained from their physician or can be downloaded from the HHIE website (www.hawaiihie.org).

Instructions to complete "Request to Opt-Out" form:

1. Complete each field of the form. If you do not have a Primary Physician, enter the name of the last physician that provided you services. If you don't recall the physician's name, enter the name of the hospital or facility you visited.
2. Sign and date the form. If you are not the individual, sign the section for Legal Authorized Representative.
3. Submit your Request to your Primary Physician or physician last visited. If you do have a physician to submit to, submit it to the HHIE. HHIE will check the Master Patient Index for your records and inform you of your last physician if there is one. If you are not listed in the index, there is no method to process your request.

4. Once your request has been submitted, your physician will sign and process it either through their organization or through HHIE within 10 days. You will then be notified by mail that the exchange of your health records through the HHIE has been stopped.

Instructions to complete “Request to Opt-Back-In” form:

1. Complete each field of the form. If you do not have a Primary Physician, enter the name of the last physician that provided you services. If you don't recall the physician's name, enter the name of the hospital or facility you visited.
2. Sign and date the form. If you are not the individual, sign the section for Legal Authorized Representative.
3. Submit your Request to your physician you submitted the Opt-Out request to. If you do remember the physician you made the request to, submit the request to the HHIE. HHIE will check the Master Patient Index for your records and inform you of your physician if there is one. If you are not listed in the index, there is no method to process your request.
4. Once your request has been submitted, your physician will sign and process it either through their organization or through HHIE within 10 days. You will then be notified by mail that the exchange of your health records have resumed through the HHIE.

Requesting Access to Medical Record or Other Protected Health Information (PHI) Held by the Physician

The Hawai'i HIE will respond to an individual's request to access his/her medical record, or other PHI, by referring the individual to the physician or Participant. The Hawai'i HIE will not provide the individual with direct access to his/her records stored in the Health eNet. To make the request, Individuals may complete the Individual Request for Access or Amendment or go directly to their physician.

Requests for Amendment of PHI by an Individual

The Hawai'i HIE will respond to an individual's request an amendment to his/her PHI within the Record Locator Service (RLS), the Hawai'i HIE shall work with the individual and necessary Participants to process the request. If the Hawai'i HIE accepts the amendment, the Hawaii HIE will amend the RLS, and make reasonable efforts to determine which Participants accessed or retrieved the individual's records prior to the amendment. The Hawai'i HIE shall then be responsible to notify such Participants of the amendment. To make the request, Individuals may complete the Individual Request for Access or Amendment or go directly to their physician.

The Hawai'i HIE will respond to an individual's request for an amendment to his/her medical records by referring the individual to the Participant(s) that contributed the PHI. Only the Participant that contributed the PHI being amended may accept an amendment.

Accounting of Disclosures

In response to any individual's request for an accounting of disclosures of PHI, the Hawai'i HIE shall direct such a request to the data contributing Participant.