

Frequently Asked Questions for Healthcare Providers

These frequently asked questions (FAQs) address how health information is shared through Health Current, Arizona's health information exchange (HIE), (a Contexture company), and patient rights related to the HIE. These FAQs are for informational purposes only and not intended as legal advice. Specific questions regarding compliance with federal and state laws should be referred to your legal counsel.

1. Can patients choose whether to share their information through the HIE?

Yes. A patient may "opt out" of having all or some of his or her health information shared through the HIE. A patient may "opt out" by completing the Opt Out Form. The patient can choose to block either: (1) all health information; or (2) health information from a specific healthcare provider. If a patient chooses the second option and the healthcare provider works for an organization (like a hospital or medical group), all information from that hospital or medical group may be blocked.

Additionally, a patient's substance abuse treatment information that is protected by the federal substance abuse treatment regulations at 42 C.F.R. Part 2 (the Part 2 regulations) is blocked unless: (1) the patient gives written consent for the provider (or other person) to access the information; or (2) the provider documents a medical emergency.

If a patient opts out of the HIE, then the patient's information will not be accessible through the HIE, even in a medical emergency.

2. How are patients advised of their rights regarding the sharing of their information through the HIE?

Healthcare providers who participate in the HIE are required to distribute the Notice of Health Information Practices (the Notice) to their patients. The Notice advises patients of their rights, describes the health information the HIE collects and states the purposes for which participants in the HIE may access health information through the HIE. (See Notice of Health Information Practices.)

3. How do patients acknowledge that they have received and understand the Notice of Health Information Practices, and how is this documented?

Patients acknowledge that they have received and understand the Notice by signing a form provided by the healthcare provider. This acknowledgement can be on the healthcare provider's HIPAA Notice of Privacy Practices acknowledgement form, a conditions of admission or treatment form, or a separate form. The acknowledgement must reference the healthcare provider's participation in the HIE and state that the patient has received, read and understands the Notice. Here is the sample language in English and Spanish that can be used:

English

“I acknowledge that I received and read the Notice of Health Information Practices. I understand that my healthcare provider participates in Health Current, Arizona’s health information exchange (HIE). I understand that my health information may be securely shared through the HIE, unless I complete and return an Opt Out Form to my healthcare provider.”

Spanish

“Reconozco que recibí y leí el Aviso de Prácticas de Información de Salud. Entiendo que mi proveedor de salud participa en Health Current, el intercambio de información sobre la salud de Arizona (HIE – por sus siglas en inglés). Entiendo que mi información de salud puede ser compartida de forma segura a través del HIE, a menos que complete y regrese una Forma Opt Out sobre la opción de no participar del paciente a mi proveedor de salud.”

4. When are HIE participants required to distribute the Notice of Health Information Practices?

Healthcare providers must distribute the Notice to patients when the provider begins to participate in the HIE. A healthcare provider begins to participate in the HIE when the provider begins to share or access information through the HIE. Whenever there is a material change to the Notice, healthcare providers must re-distribute it at the next point of contact with the patient or upon the patient’s request, whichever comes first. Only healthcare providers are required to distribute the Notice to patients. HIE participants that are not healthcare providers (such as health plans) are not required to distribute the Notice.

5. Can participants in the HIE access information on patients through the HIE before a healthcare provider provides the Notice of Health Information Practices?

Yes. When a healthcare provider begins to participate in the HIE, he or she must provide a patient with the Notice before or at the time of the provider’s first encounter with the patient. A healthcare provider may access a patient’s health information in the HIE in advance of the visit with the patient.

6. What happens when a patient opts out?

If a patient chooses to opt out of sharing his or her health information through the HIE and gives the Opt Out Form to a healthcare provider, the healthcare provider must send that form to Health Current via secure fax. That patient’s health information will be blocked from access within 30 days of the patient’s decision to opt out.

7. Can patients who have opted out of having their information shared through the HIE change their mind and opt back in?

Yes. Patients who have opted out may opt back in at any time. Patients should complete an Opt In Form when they choose to opt back in. The healthcare provider

must send that form to Health Current via secure fax.

8. What is the secure fax number to fax a Patient Opt Out Form, Opt Back In Form or Health Information Request Form to?

The secure fax number to fax one of the forms listed above to Health Current is (602) 324-5596 or (520) 300-8364.

9. Do Providers need to complete the bottom section of the Patient Opt Out Form, Opt Back In Form or Health Information Request Form before faxing it to Health Current?

Yes. Providers must complete the bottom section of the Opt Out Form, Opt Back In Form and Health Information Request Form before faxing the forms to Health Current.

10. Can a healthcare provider access a patient's substance abuse treatment information from a federally-assisted substance abuse treatment program (Part 2 Data) through the HIE?

All Part 2 Data is kept separately in the HIE with special access rules. Healthcare providers may access Part 2 Data if a patient signs a Part 2 Consent Form. Healthcare providers also may access Part 2 Data without patient consent if the healthcare provider: (1) determines that access is necessary to meet a bona fide medical emergency; (2) determines that the patient's written consent cannot be obtained; and (3) documents certain information. Health Current notifies the patient's federally-assisted substance abuse treatment program when the patient's Part 2 Data has been disclosed in a medical emergency. However, if a patient has opted out of the HIE, Part 2 Data may not be accessed through the HIE, even in a medical emergency.

11. What happens if substance abuse treatment information from a federally-assisted substance abuse treatment program (Part 2 Data) is co-mingled with other information from a HIE participant?

If Part 2 Data is co-mingled with other information from a HIE participant, Health Current keeps all the information it receives from that HIE participant protected in the HIE. All the information from that particular HIE participant is subject to the special access rules described in FAQ #10.