

Data Sharing Partner (DSP) Requirements

New HIE Requirements for Data Sharing Partners

The consent model for Rhode Island's Health Information Exchange (HIE), CurrentCare®, is changing from an opt-in to an opt-out model. If a patient opts out, their healthcare providers will not be able to view or receive their information via CurrentCare, except in permitted situations outlined below. The Rhode Island Quality Institute (RIQI), the state's official Regional Health Information Organization, oversees CurrentCare.

Q: Do our registration staff need to notify each patient about the opt-out consent model? They are stretched thin and don't have extra time.

A: No, the regulations do not require your staff to directly notify patients about the consent model. At a minimum, however, DSPs are required to have a written document that specifically discusses the HIE:

"Individuals will be clearly informed of their opportunity to opt-out in a distinct written document, whether paper, electronic, or web-based. The notification may be contained within a document detailing other privacy practices, but the HIE shall be specifically discussed. The notification shall include an explanation that due to his or her provider's participation in the HIE, at a minimum, their protected health information may be disclosed to:

- a) Health care providers that care for them in emergencies, on a temporary basis;
- b) Public health authorities in the process of carrying out their functions, pursuant to R.I. Gen. Laws § 5-37.7-7(b)(2); and
- c) Health plans where information is necessary for care management, quality, and performance measure reporting."

It is recommended that you communicate HIE opt-out information to your patients by updating your Notice of Privacy Practices (NPP) (see FAQ below for suggested wording). *However, if patients ask about CurrentCare or opting out of the HIE, your staff should have information available to provide to the patient.* RIQI will provide collateral to educate staff and patients.

Q: What should our staff know about CurrentCare?

A: Staff should be able to:

- Explain that patients have a right to opt out of their medical information being shared in CurrentCare.
- Provide information about how to opt-out and where to learn more by visiting CurrentCareRI.org.
- Understand that your organization cannot deny treatment to patients solely on the basis of the patient's decision to opt out of disclosures from the HIE.
- Assure your patients that sensitive medical records such as addiction treatment, behavioral health, or HIV status will automatically remain under an "opt-in" consent model, meaning those records will not be shared unless otherwise authorized by the patient.

Q: What is the process to file complaints?

A: If a patient complains about CurrentCare data from your organization, please work with the patient to resolve that issue within your Electronic Health Record (EHR), which will automatically update in CurrentCare.

If you receive other complaints regarding CurrentCare, you or the patient can:

- Contact CurrentCare support at 888-858-4815.
- Visit CurrentCareRI.org.
- Contact the Rhode Island Department of Health (RIDOH) at <https://health.ri.gov/contact/>.

Q: Where can I read the full RI HIE Regulations?

A: RI.gov website: HIE Regulations can be found on the RI.gov website: <https://rules.sos.ri.gov/regulations/part/216-10-10-6>

Q: Is there suggested wording to add to the NPP for data-sharing organizations?

A: Yes. See below and edit as needed:



We have chosen to participate in CurrentCare, the Rhode Island health information exchange (“HIE”). CurrentCare is also affiliated with and shares data with other HIEs, including those in Alaska, Connecticut, D.C., Maryland, and West Virginia. As permitted by law, your health information will be shared with this exchange in order to provide faster access, better coordination of care, and assist providers and public health officials in making more informed decisions. You may “opt-out” and disable access to your health information available through CurrentCare by calling 888-858-4815 or completing and submitting an opt-out form to CurrentCare by mail, fax or through their website at CurrentCareRI.org. At a minimum, your protected health information may be disclosed to:

- a) Health care providers that care for them in emergencies, on a temporary basis;
- b) Public health authorities in the process of carrying out their functions, and;
- c) Health plans where information is necessary for care management, quality, and performance measure reporting.

Q: Is there suggested wording to add to the NPP Acknowledgement page for data-sharing organizations?

A: Yes. See below and edit as needed:

We participate in the CurrentCare health information exchange (“HIE”) to share your medical information such as ongoing health conditions, medications or allergies with your other healthcare providers and for other limited reasons. You have rights to limit how your medical information is shared. We encourage you to read our Notice of Privacy Practices at [insert your URL] and find more information about CurrentCare medical record-sharing policies at CurrentCareRI.org.