



## Summary of the Patient Rights Process

Arizona Health-e Connection (AzHeC) integrates physical health information, general behavioral health information and information regarding substance abuse treatment in one statewide health information exchange (HIE). All three types of information are covered by Arizona's health information organization (HIO) law, which allows patients to "opt out" and choose not to have their information shared through the HIE.

In addition, special federal protection – 42 CFR Part 2 (Part 2) – covers substance abuse treatment information. Access to Part 2 Data is available only when a patient gives consent for a particular provider to access the information, or in an emergency.

### Implementing the Patient Notification Process (Right to Opt Out)

Under the Arizona HIO law, patient consent is not required to share a patient's physical health and general behavioral health information through the HIE.\* However, providers are required to notify patients of their right to *opt out* of having their information shared through the HIE.

#### **This patient notification process includes three steps:**

1. Distribute the *Notice of Health Information Practices (HIO Notice)* to patients when you begin to participate in the HIE.
2. Obtain a signature from each patient acknowledging receipt of the HIO Notice. This signature can be obtained on any form, including the health care provider's HIPAA Notice of Privacy Practices or conditions of admission or treatment, but it must mention the HIO Notice. (See FAQs document for sample language.)
3. Provide the *Opt Out Change Form* to any patient who wants to opt out or the *Opt Back In Change Form* to change a previous decision regarding opting out.

**\*NOTE: If substance abuse treatment information is co-mingled with other information from an HIE participant, then all information from that participant is considered Part 2 Data. Access to data from that participant requires written patient consent described below. Many HIE participants co-mingle Part 2 Data with other data.**

### Implementing Consent to Access Substance Abuse Treatment Information (Part 2 Data)

Patient information from federally assisted alcohol or drug abuse (substance abuse) programs is protected by Part 2 regulations. It is available only if a patient consents to a specific provider accessing the information, or in an emergency. **However, if a patient has opted out under the Arizona HIO law, however, no information is accessible through the HIE, even in an emergency.**

#### **To access substance abuse treatment information about a patient:**

1. If it is not an emergency, obtain a patient's written consent to access substance abuse treatment information, using the *Consent to Release Drug and Alcohol Treatment Records form (Part 2 Consent Form)* from the HIE,
2. If it is a declared emergency, access the patient information and document the disclosure in the patient's records, citing: a) the name of the personnel to whom disclosure was made and their affiliation with any health care facility; b) the name of the individual making the disclosure; c) the date and time of the disclosure; and d) the nature of the emergency.
3. Record any change in a patient's consent, written or verbal, on the *Part 2 Consent Form*. If a patient revokes (cancels) a *Part 2 Consent Form* that has been provided to the HIE, you must notify AzHeC by sending the changed form via secure fax at **(602) 324-5596** or **(520) 300-8397**.

Note: If you access this federally protected patient information, you may not re-disclose it without the patient's written consent on a valid *Part 2 Consent Form*.