



healthcurrent

Summary of the Patient Rights Process for Healthcare Providers

Health Current, Arizona's health information exchange (HIE), makes patients' health information electronically available to participants. State and federal law give patients certain rights and protections concerning this information. This document describes the process for complying with these laws.

Implementing the Patient Notification Process and the Right to Opt Out

Healthcare providers who actively participate in the HIE are required to do the following:

1. Distribute the Notice of Health Information Practices (Notice) to patients. Obtain a signature from each patient acknowledging receipt of the Notice. This signature can be obtained on any form, including the healthcare provider's HIPAA Notice of Privacy Practices or conditions of admission or treatment form. The form must reference the healthcare provider's participation in the HIE and must state that the patient has received, read and understands the Notice. (See *FAQs for Healthcare Providers* for sample language.)
2. Provide the Opt Out Form to any patient who wants to opt out or the Opt Back In Form to change a previous opt out decision. A patient can opt out or opt back in at any time.
3. Provide the Health Information Request Form to any patient who wants to request a copy of his or her health information that is available through the HIE or who wants a list of persons who have accessed his or her health information through the HIE in the last three years.

Providers must complete the bottom section of the *Opt Out Form*, *Opt Back In Form* and *Health Information Request Form* before sending the forms through secure fax to Health Current at (602) 324-5596 or (520) 300-8364.

If a patient opts out of making some or all of his or her health information accessible through the HIE, then no one will have access to that information through the HIE, even in an emergency.

Implementing Consent or Emergency Access to Substance Abuse Treatment Information

Federal law (42 C.F.R. Part 2) gives special confidentiality protection for substance abuse treatment records from federally-assisted substance abuse treatment programs (Part 2 Data). Because a patient's substance abuse treatment information may be co-mingled with the patient's other health information from these programs, Health Current keeps all health information it receives from these healthcare providers separate from the rest of the patient's health information. A patient's health information from these participating healthcare providers is available through the HIE only if a patient gives written consent or in a medical emergency.

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.

Healthcare providers who access Part 2 Data through the HIE may not re-disclose it, unless expressly permitted by the patient's written consent or as otherwise permitted by law.