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Document Name:	HIE Notice and Opt Out Policy				
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Responsible Executive:	Melissa Kotrys	Revised:	See below		
Responsible Office:	Administration	Contact:	Melissa Kotrys		
Distribution:	X - Staff X - Participants X – Vendors X - Public	Posted Locations :	X - Internal Policy Library X - Public Website		

1. Purpose

This policy explains how Health Current and Participants will work together to ensure that individuals have the information necessary to make a meaningful choice regarding whether their Data is accessible through the HIE, as well as the process for implementing an individual’s opt out right.

2. Scope

This policy applies to Health Current and Healthcare Provider HIE Participants.

3. Definitions

See Definitions Policy.

4. Policy

4.1. The HIE Notice

Arizona’s Health Information Organization Law ([A.R.S. §§ 36-3801 through -3809](#)) requires Healthcare providers to give individuals notice of their HIE participation and the opportunity to opt out of having their Data made accessible through the HIE.

4.2. Health Current Responsibilities

Health Current is required to maintain a notice of health information practices (the “[HIE Notice](#)”). Health Current will post its current HIE Notice conspicuously on its website. Health Current will also provide an individual with a copy of the HIE Notice within thirty (30) calendar days after Health Current receives a written request for that information from the individual.

4.3. Healthcare Provider Participant Responsibilities

Healthcare Provider Participants must distribute the HIE Notice and document its distribution as required by Arizona’s Health Information Organization law, see [A.R.S. § 36-3804](#). Specifically, a Healthcare Provider is required to distribute the HIE Notice under the following circumstances:



- 4.3.1. The Healthcare Provider (or its Business Associate) makes Data generated or maintained by the Healthcare Provider accessible through the HIE; or
- 4.3.2. The Healthcare Provider Accesses Data directly through the HIE.

A Healthcare Provider that only indirectly receives Data that originated from the HIE through an accountable care organization (ACO), clinically integrated network (CIN), Health Plan or similar organization (collectively, an “**Intermediary Organization**”) is not required to distribute the HIE Notice. However, a Healthcare Provider who makes its Data accessible through the HIE indirectly through an Intermediary Organization must distribute the HIE Notice.

4.4. The Opt Out Right Implementation

Except as otherwise provided in state or federal law, an individual may choose not to allow his or her Data to be accessible through the HIE. Any individual may download the most current version of the Health Current Opt Out Form from Health Current’s website. If an individual chooses to opt out, the individual must complete the Health Current Opt Out Form and return it to any Healthcare Provider Participant.

An individual may choose to opt back in at any time. To opt back in, the individual must either: (1) complete a Health Current Opt Back In Form and return it to a Healthcare Provider Participant; or (2) otherwise indicate in writing an intent to opt back in, such as by signing an authorization or consent to disclose individually identifiable health information through the HIE.

Participants will maintain documentation of these completed forms for at least six (6) years.

4.5. Opt Out Requirements

4.5.1. Participant Responsibilities

Participants will honor an individual’s choice to opt out of HIE participation. However, Participants must not improperly encourage or induce an individual to opt out.

A Participant Healthcare Provider who receives an individual’s completed Health Current Opt Out Form must promptly notify Health Current of the individual’s decision to opt out of the HIE. A Healthcare Provider Participant must notify Health Current within fifteen (15) calendar days of the Healthcare Provider Participant’s receipt of the Health Current Opt Out Form from the individual.

A Healthcare Provider Participant must notify Health Current using the following methods:

- 4.5.1.1. Completing the bottom section of the Health Current Opt Out Form and securely faxing it to Health Current; or
- 4.5.1.2. Utilizing a mutually agreed upon method for capturing the individual’s opt-out decision electronically and transmitting that decision to Health Current.

4.5.2. Health Current Responsibilities

Health Current will assign an opt out status to an individual within thirty (30) calendar days of receiving the individual’s opt out decision from a Healthcare Provider Participant. If an



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individual chooses to opt out, his or her Data will not be accessible through the HIE, even in the event of a medical emergency. An individual’s opt out status will not affect a Participant’s or Health Current’s use or disclosure of Data through means other than the HIE. Nor will it prohibit Health Current from disclosing Data as required by law, such as obligations to perform mandatory public health reporting.

4.6. Opt Back in Requirements

4.6.1. Participant Responsibilities

A Healthcare Provider Participant will promptly notify Health Current of an individual’s opt back in decision. A Healthcare Provider Participant must notify Health Current within fifteen (15) calendar days of the Healthcare Provider Participant’s receipt of the Health Current Opt-Back-In Form. A Healthcare Provider Participant must notify Health Current using the same secure fax or other mutually agreed upon electronic method of transmission described above for implementing an individual’s opt out right.

4.6.2. Health Current Responsibilities

Health Current will implement an individual’s opt-back-in decision within thirty (30) calendar days of Health Current receiving a completed Health Current Opt-Back-In Form.

5. Compliance

Health Current management will enforce this policy. Violations may result in disciplinary action, which may include suspension, restriction of access, or more severe penalties up to and including termination of employment or HIE participation. Where illegal activities are suspected, Health Current may report such activities to applicable authorities.

6. Who Should Read this Policy?

- 6.1. Health Current HIE Participants
- 6.2. Health Current Staff
- 6.3. Health Current HIE Subcontractors

7. Reference/Citation

Embedded.

8. Cross Reference and/or Attachments

Revision Table

Version	Date	Description of Change	Revised By
A	1/26/2021	Initial Release	Board of Directors