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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 describes the specific purposes for which Participants may access Data through the HIE in accordance with Applicable Law and within the technical and operational framework that Health Current and its Participants can reasonably support. It also explains how Health Current may use and disclose Data in connection with the HIE.

2. Scope

This policy applies to Health Current and its Participants. Due to legal, technical and operational limitations, access to the HIE is currently limited to Participants that are:

- 2.1 Health Care Providers and their designated Business Associates;
- 2.2 Health Plans and their designated Business Associates;
- 2.3 Public Health Authorities;
- 2.4 Medical Examiners; and
- 2.5 Organ Procurement Organizations.

Each type of Participant may only access Data for the Permitted Uses that apply to them. Health Current may also use and disclose Data for the Permitted Uses set forth in this policy.

Once Data from the Health Current HIE is accessed by a Participant for a Permitted Use as set forth in this policy, and incorporated into a Participant’s electronic systems, the Participant may use or disclose such Data in accordance with Applicable Law and Participant’s own policies and procedures.

3. Definitions

See Definitions Policy.

4. Policy

4.1. Limitations on the Permitted Use Cases Required by Applicable Law

Complex state and federal health information privacy laws may apply to some or all the Data accessible through the HIE. Accordingly, Health Current and its Participants must satisfy certain



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legally required preconditions and/or honor legally required limitations or requirements on their access and exchange of Data through the HIE. **Participants must observe the limitations covered in this Section in connection with their access of Data for Permitted Uses.**

4.1.1. Individuals with an Opt Out Status

As explained in the HIE Notice and Opt Out Policy, individuals have a right to opt out of having their Data made accessible through the HIE, except as otherwise provided in state or federal law. Accordingly, Participants may not access Data of individuals who have opted out for the Permitted Uses listed in this policy, unless access is required by law.

In its capacity as a Business Associate of Data Suppliers, Health Current may receive and maintain Data on individuals who have exercised their opt out right. Health Current and Participants collectively will implement the necessary technical and administrative processes to honor an individual's documented opt out request in accordance with Health Current's HIE Notice and Opt Out Policy.

4.1.2. Minimum Necessary Standard

The HIPAA minimum necessary standard may apply to certain Permitted Uses, as required by HIPAA. Health Current and Participants must comply with procedures approved by the Health Current Data Governance Council or the Board of Directors to implement the HIPAA minimum necessary standard.

4.1.3. Part 2 Data Access

Part 2 gives heightened privacy protections to Part 2 Data (certain kinds of substance use disorder information). As explained in the Data Submission Policy, Health Current keeps all Data from Part 2 Programs segregated from other Data in the HIE and protects it in accordance with Part 2 due to current technical and administrative limitations on the ability to segment Part 2 Data from other Data.

Participant may access Part 2 Data under the following circumstances:

4.1.3.1. Part 2 Consent Form.

Participants may access Part 2 Data through the HIE pursuant to a Part 2 Consent Form. Health Current requires use of its approved Part 2 Consent Form because this is the only feasible option available to Health Current for compliance with Part 2's complex consent and related requirements (e.g. prohibition on redisclosure notice) in the HIE environment given current technical, administrative and financial constraints. Participants must also follow all of Health Current's technical and administrative processes related to documenting consent.

4.1.3.2. Medical Emergency Access.

Healthcare Provider Participants may access Part 2 Data through the HIE for emergency Treatment purposes, but only to the extent necessary to meet a bona



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vide medical emergency in which the individual's prior consent cannot be obtained.

4.1.3.3. Case-by-Case Determinations.

Participants may request in writing that Health Current provide access to Part 2 Data for other Permitted Uses. Health Current will determine on a case-by-case basis whether it is feasible for Health Current to provide the requested access and whether access is permitted under Part 2 and any other Applicable Law.

4.1.4. Other Trusted Exchange Requirements

Health Current participates in multi-party trust arrangements with other HIEs, federal agencies, and other entities and organizations that desire to engage in electronic health information exchange for purposes permitted by Applicable Law ("Trusted HIE Connections"). Participation in Trusted HIE Connections promotes interoperability by facilitating secure access to health information when and where it is needed to support patient care, Healthcare operations, and public health activities. For example, Health Current participates in eHealth Exchange—a data sharing network of governmental and non-governmental exchange partners that share information for specific purposes—and Patient Centered Data Home (PCDH) networks—a data sharing network of HIEs that desire to send electronic notifications to members of an individual's care team that reside in different geographic jurisdictions. When accessing Data through a Trusted HIE Connection, Participant must comply with any requirements applicable to that Trusted HIE Connection, such as limitations on the purposes for which Data may be accessed through the Trusted HIE Connections.

4.1.5. Financial Information from Claims Data

If the Claims Data supplied to Health Current includes financial information, Health Current will restrict Participant access to the financial component of Claims Data of other Data Suppliers consistent with federal antitrust policy established by the DOJ and FTC in the [Statements of Antitrust Enforcement Policy in Healthcare \(Aug. 1996\)](#), as amended from time to time.



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4.2. Healthcare Provider Permitted Use Cases and Requirements

4.2.1. Treatment, Payment and Limited Healthcare Operations

Participants that are Healthcare Providers (or Business Associates acting on behalf of Healthcare Providers) may access the Data through the HIE for the following Permitted Uses (and subject to the limitations required by Applicable Law and this policy):

4.2.1.1. Treatment (including care coordination, case management and transition of care planning).

4.2.1.2. Payment; and

4.2.1.3. Limited Healthcare Operations (including population health activities), so long as:

4.2.1.3.1. The Healthcare Provider has (or had) an established relationship with the individual who is the subject of the Data and the Data pertains to that relationship; and

4.2.1.3.2. The Healthcare Provider is a HIPAA Covered Entity.

4.2.2. Individuals for Whom Data May Be Accessed

4.2.2.1. Treatment and Payment

Access is permitted for permitted for Data of individuals who are:

4.2.2.1.1. Current patients of the Healthcare Provider,

4.2.2.1.2. Prospective patients with whom the Healthcare Provider is expected to establish a treatment relationship (for example, an individual who is scheduled for an upcoming appointment or who has been assigned to the Healthcare Provider by a Health Plan); and

4.2.2.1.3. Past patients for whom the Healthcare Provider is transitioning to a new Healthcare Provider (for example, individuals who have an outstanding payment obligation to the Healthcare Provider that is transitioning care).

4.2.2.2. Limited Healthcare Operations

Access is permitted for Data of individuals who are current or past patients of the Healthcare Provider.

4.2.3. Minimum Necessary Standard

The HIPAA minimum necessary standard applies to the Payment and Limited Healthcare Operations use cases. To comply with the minimum necessary standard, the Healthcare Provider Participant (or Business Associate) will limit Data requests to only the Data needed for the Healthcare Provider to conduct the Payment or Limited Healthcare Operations activities. Specifically:

4.2.3.1. The request for Data for Payment purposes should not exceed Data generated during the thirteen (13) months prior to the request.

4.2.3.2. The request for Data for Limited Healthcare Operations activities should not exceed Data generated during the thirty-six (36) months prior to the request.



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4.3. Health Plan Permitted Use Cases and Requirements

4.3.1 Payment and Limited Healthcare Operations

Participants that are Health Plans (or Business Associates acting on behalf of Health Plans) may access the Data through the HIE for the following Permitted Uses (and subject to the limitations required by Applicable Law and this policy):

4.3.1.1 Payment; and

4.3.1.2 Limited Healthcare Operations (including care coordination, case management, transition of care planning, and population health activities), so long as:

4.3.1.2.1 The Health Plan has (or had) an established relationship with the individual who is the subject of the Data and the Data pertains to that relationship; and

4.3.1.2.2 The Health Plan is a HIPAA Covered Entity.

4.3.2 Individuals for Whom Data May Be Accessed

Access is permitted for Data of individuals who are currently enrolled members with the Health Plan and for past members for whom the Health Plan is transitioning to a new Health Plan. Health Plans may also access Data of prospective members seeking to enroll in the Health Plan if necessary, for Payment purposes.

4.3.3 Minimum Necessary Standard

The HIPAA minimum necessary standard applies to the Payment and Limited Healthcare Operations use cases. To comply with the minimum necessary standard, the Health Plan Participant (or Business Associate) will limit its request to only the Data relevant to the Payment or Limited Healthcare Operations activities. Specifically:

4.3.3.1 The request for Data for Payment purposes should not exceed Data generated during the thirteen (13) months prior to the request.

4.3.3.2 The request for Data for Limited Healthcare Operations activities should not exceed Data generated during the thirty-six (36) months prior to the request.

4.4 Public Health Authority Permitted Use Cases and Requirements

4.4.1 Limited Public Health Investigations

A Public Health Authority that is a Participant may access Data for a Limited Public Health Investigation. This use case is conditioned on there being adequate technical and/or administrative procedures in place to provide access in compliance with Applicable Law. Health Current will not give a Public Health Authority direct access to the HIE for a Limited Public Health Investigation until this legal precondition is satisfied.

4.4.2 Individuals for Whom Data May Be Accessed

Access is permitted for Data of individuals who are the subject of a Limited Public Health Investigation.

4.4.3 Minimum Necessary Standard

The HIPAA minimum necessary standard applies to the Limited Public Health Investigation use case. To comply with the minimum necessary standard, a Public Health Authority will limit its request to only the Data needed for a particular Limited Public Health Investigation.



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4.5 Medical Examiner Permitted Use Cases and Requirements

4.5.1 Medical Examiner Activities

A Medical Examiner that is a Participant may access Data for purposes of identifying a deceased person, determining a cause of death, conducting a death investigation, or performing other duties as authorized by Applicable Law, see [A.R.S. § 11-594](#) (collectively, “**Medical Examiner Activities**”).

4.5.2 Individuals for Whom Data May Be Accessed

Access is permitted for Data of individuals who are the subject of the Medical Examiner Activities.

4.5.3 Minimum Necessary Standard

The HIPAA minimum necessary standard applies to the Medical Examiner Activities use case. To comply with the minimum necessary standard, the Medical Examiner will limit its request to only the Data needed for the Medical Examiner Activity, and which was generated during the twenty-four (24) months prior to the request.

4.6 Organ Procurement Permitted Use Cases and Requirements

4.6.1 Organ Procurement

An Organ Procurement Organization that is a Participant may access Data for the purpose of facilitating organ, eye or tissue donation and transplantation as permitted by Applicable Law.

4.6.2 Individuals for Whom Data May Be Accessed

Access is permitted for Data of individuals who are donors or prospective donors of their organ(s), eye(s) or tissue(s).

4.6.3 Minimum Necessary Standard

The HIPAA minimum necessary standard applies to the organ procurement use case. To comply with the minimum necessary standard, Organ Procurement Organizations will limit their request to only the Data needed for the organ, tissue, or eye procurement activity.

4.7 Health Current Permitted Use Cases and Requirements

4.7.1 Health Current Permitted Uses

Health Current is a Business Associate of its Participants. Health Current may not use or disclose Data in a manner prohibited by Applicable Law. Specifically, Health Current may access, use and disclose Data for the following Permitted Uses:

- 4.7.1.1** As required by law, including if required by a subpoena that satisfies the requirements of Applicable Law (see [A.R.S. § 36-3808](#));
- 4.7.1.2** As necessary to perform services under the Participation Agreement and to assist Participants (and Participants’ Business Associates) in the Permitted Uses,
- 4.7.1.3** As directed in writing by the Data Supplier(s) that provided the Data,
- 4.7.1.4** To provide access to an individual in accordance with [A.R.S. § 36-3802](#) (see the Individual Rights Policy);
- 4.7.1.5** To provide access to Authorized Recipients, such as Insurance Companies, if Health Current has the necessary technical and administrative processes in place to support Authorized Recipients access in accordance with Applicable Law and Healthcare industry standard security practices,



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- 4.7.1.6 To conduct Limited Healthcare Operations on behalf of Covered Entities, including population health activities,
- 4.7.1.7 To conduct public health reporting, including (but not limited to) reporting of immunization data to the State of Arizona Immunization Registry,
- 4.7.1.8 To facilitate health information exchange through Trusted HIE Connections for any of the Permitted Uses set forth in this policy, including (but not limited to) Treatment, Payment, Limited Healthcare Operations, public health reporting, and Limited Public Health Investigations.
- 4.7.1.9 To create De-Identified Data to be used and disclosed for purposes permitted by Applicable Law (including, but not limited to, Research if applicable state law requirements are met, see [A.R.S. § 36-3805](#)); and
- 4.7.1.10 For Health Current's own management and administration or to carry out its legal responsibilities, including (but not limited to) audit, legal defense and liability, record keeping, and similar obligations.

4.7.2 Minimum Necessary Standard

Health Current will comply with its Minimum Necessary Standard Procedure with respect to the Health Current Permitted Use cases.

4.8 Process for Approval of New Use Cases

To make changes to this policy, the following process will be followed:

4.8.1 Health Current or any Participant may propose a new use case for consideration by the Health Current Data Governance Council. The proposal should set forth specific details regarding:

- 4.8.1.1 The purpose of the new use case,
- 4.8.1.2 Which category of Participants or Health Current is proposed to have access to Data under the new use case,
- 4.8.1.3 A description of the individuals for whom Data may be accessed,
- 4.8.1.4 The types of Data that may be accessed for the use case; and
- 4.8.1.5 The time for which Data may be accessed (e.g., "Data created during the 36 months prior to the request"), or other criteria to be used to implement the HIPAA minimum necessary standard.

4.8.2 The Health Current Data Governance Council will review new proposed use cases. The Council will issue a schedule for consideration of new use cases that will be made available to all Participants from time to time.

4.8.3 If the Health Current Data Governance Council recommends approval of a new use case, it will forward a completed "Permitted Use Approval" checklist along with its recommendation to the Board of Directors for consideration.

4.8.4 If a new use case is approved by the Board of Directors and is consistent with Applicable Law, this policy will be amended to reflect such new use case and notice will be provided to all Participants consistent with the Health Current Participation Agreement.



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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

Revision Table

Version	Date	Description of Change in Last 5 Years	Revised By
A	1/26/2021	Initial Release	Board of Directors