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Document Name:	Individual Rights Policy				
Document Code:	POL-ADM-0026-A	Formerly: (if applicable)	See below		
Approval Authority:	Board of Directors	Adopted:	1/26/2021	Review: Frequency:	Annually
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

Individuals have certain rights with respect to their health information, including a right of access, amendment, and an accounting of certain disclosures. The purpose of this policy is to describe how Health Current and Participants will work together to honor individual rights with respect to Data that is accessible through the HIE.

2. Scope

This policy applies to Health Current and Participants.

3. Definitions

See Definitions Policy.

4. Policy

4.1. Individual Access Requests

Individuals have a right to request a copy of their Data that is accessible through the HIE, see [A.R.S. § 36-3802](#). Federal laws, like HIPAA, also gives individuals the right to access their health information, unless an exception to the individual’s right of access applies. To request a copy of their Data, individuals (or an individual’s personal representative) must complete a Health Information Request Form and return it to a Healthcare Provider Participant. Due to legal, technical, and administrative limitations, the HIE does not currently support alternative means by which individuals may access their Data through the HIE, such as through an individual access portal or other automated means.

4.1.1. Participant Responsibilities

4.1.1.1. All Participants

Because Health Current does not have a direct relationship with individuals whose Data is accessible through the HIE, Health Current must rely upon its Participants to verify



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that the individual who is requesting access either is the individual or personal representative of the individual. Thus, Participants must:

- 4.1.1.1.1. Accept an individual's completed Health Information Request Form;
- 4.1.1.1.2. Verify the identity and authority of the individual in accordance Applicable Law and healthcare industry standard security practices; and
- 4.1.1.1.3. Securely send the completed and validated Health Information Request Form to Health Current for processing.

4.1.1.2. Data Suppliers (except for Part 2 Program Data Suppliers)

This section does not apply to Part 2 Program Data Suppliers. Due to the sensitive nature of Part 2 Data and Part 2 compliance considerations, Part 2 Program Data Suppliers must follow the procedure set forth in the section of the policies titled Part 2 Program Data Supplier Responsibilities.

If applicable, Data Suppliers that direct Health Current to deny an individual's access request partially or wholly may only do so if:

- 4.1.1.2.1. The denial is permitted by Applicable Law; and
- 4.1.1.2.2. The Data Supplier giving the direction provides the individual with the right to have the decision reviewed and considered for reversal (if Applicable Law affords the individual such rights).

In these circumstances, such Data Suppliers must provide a written explanation to Health Current for the denial within ten (10) calendar days of being notified of the access request. The written explanation must include at least the following information:

- 4.1.1.2.3. Data Subject to the Denial. A detailed and specific description of the Data to withhold, including the Data elements (such as diagnosis and progress notes). The Data Supplier is responsible for ensuring that the Data withheld is no more than reasonably necessary based on the reason for the denial.
- 4.1.1.2.4. Reason for the Denial. A statement explaining why the Data is being withheld. Examples include but are not limited to the following:
 - 4.1.1.2.4.1. The person requesting access is not the individual or the individual's personal representative.
 - 4.1.1.2.4.2. The person requesting access lacks the legal authority to access all the Data requested. For example, a minor child's parent/guardian may be entitled to access the minor's Data, except for Data related to Healthcare services to which the minor child lawfully consented.
 - 4.1.1.2.4.3. Permitting access would be reasonably likely to cause a substantial risk of harm to a natural person.
- 4.1.1.2.5. Preventing Harm. If the reason for the denial is preventing harm to a natural person, the written explanation must also include a statement that either:
 - 4.1.1.2.5.1. A licensed Healthcare professional who has a current or past clinician-patient relationship has made an individualized determination, using professional judgment, that providing access



to the individual (or personal representative who is requesting access) would substantially reduce a risk of harm to a natural person that would otherwise arise from giving access. The statement must also include one of the following regarding the risk of harm:

- 4.1.1.2.5.1.1.** If the individual is the one requesting access, and the access denial relates to information about that individual, the professional's reasonable belief that providing access is reasonably likely to endanger the life or physical safety of the individual or another person;
- 4.1.1.2.5.1.2.** If a personal representative is the one requesting access, the professional's reasonable belief that providing access is reasonably likely to cause substantial harm to the individual or another person; or
- 4.1.1.2.5.1.3.** If the access denial relates to information about a person other than the individual who is the subject of the access request, the professional's reasonable belief that providing access is reasonably likely to cause substantial harm to that person.
- 4.1.1.2.5.1.4.** The statement must include the name of the professional who made the determination and that professional's contact information.
- 4.1.1.2.5.2.** The Data which is requested is known or reasonably suspected to be misidentified or mismatched, corrupt due to technical failure, or erroneous for another reason.
- 4.1.1.2.6. Review of the Decision.** Information about how the requestor may seek to have the denial reviewed or, if applicable, an explanation of why the requestor does not have a right to have the denial reviewed under Applicable Law.

In the event the circumstances warrant a partial denial, and Health Current cannot segment the Data subject to the partial denial from the rest of the individual's Data, each affected Data Supplier is responsible for responding separately to the individual access request with respect to the Data each affected Data Supplier supplies to the HIE. Each affected Data Supplier must respond in the manner and within the time frame required by Applicable Law.

4.1.1.3. Part 2 Program Data Supplier Responsibilities

Health Current segregates Part 2 Data from other Data in the HIE because of its sensitive nature and Part 2's heightened privacy protections. For example, Part 2 imposes more stringent requirements on when an individual's personal representative may have access to an individual's Part 2 Data. Accordingly, Health Current will notify an individual's Part 2 Program Data Suppliers of an individual's access request, and each Part 2 Program Data Supplier is responsible for responding to the request in the manner and within the time frame required by Applicable Law.



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4.1.2. Health Current Responsibilities

Health Current will respond to an individual access request within thirty (30) calendar days of receiving the completed and validated Health Information Request Form from the Participant. As permitted by Applicable Law and the Participation Agreement, Health Current may notify affected Data Suppliers of the individual access request, require the affected Data Suppliers to evaluate the request, and/or require the affected Data Suppliers to provide the requested access directly to the requestor.

Health Current may respond in writing to the individual access request by:

- 4.1.2.1. Providing the requestor with the requested Data,
- 4.1.2.2. Informing the individual that the individual's Data Suppliers will respond substantively to the request,
- 4.1.2.3. If permitted by Applicable Law, partially or wholly denying the request for access; or
- 4.1.2.4. Otherwise responding in a manner permitted by Applicable Law.

Health Current may partially or wholly deny an individual's request for access under the following circumstances, including but not limited to:

- 4.1.2.5. Health Current is not able to match the individual to Data in the HIE within accepted Healthcare industry standards of accuracy, including if the Health Information Request Form submitted lacks the necessary demographic information about the individual or was not validated by the Participant.
- 4.1.2.6. If Health Current is instructed by the individual's Data Supplier(s) to deny the access request partially or wholly. Health Current will rely upon the Data Supplier's determination until such time as Health Current is notified by the Data Supplier that the determination has been reversed or revised.
- 4.1.2.7. Health Current reasonably believes that the denial will substantially reduce a risk of harm to a natural person that would otherwise arise from granting the access request, because the Data which is requested is known or reasonably suspected to be misidentified or mismatched, corrupt due to technical failure, or erroneous for another reason. The scope of the denial will be no broader than necessary to substantially reduce the applicable risk of harm.

In the event the circumstances warrant a partial denial of an individual's access request, Health Current may deny the entire access request if it is not feasible for Health Current to segment the Data subject to the partial denial from the rest of the Data. In such circumstances, each of the individual's Data Suppliers is responsible for responding to the request in the manner and within the time frame required by Applicable Law.

4.2. Individual Amendment Requests

Individuals have a right to request amendment to their Data that is accessible through the HIE, see [A.R.S. § 36-3802](#). HIPAA also gives individuals the right to request amendment to their health information. Health Current has no authority or control over the accuracy or completeness of Data provided by Data Suppliers. Health Current will notify affected Data



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Suppliers if Health Current receives an amendment request directly from an individual (or an individual's personal representative). Data Suppliers are responsible for responding to individual amendment requests in the manner and within the timeframe required by Applicable Law.

4.3. Individual Accounting Requests

Individuals have a right to request a list of the persons who have accessed the individual's Data through the HIE for a period of at least three (3) years before the individual's request, see [A.R.S. § 36-3802](#). HIPAA also gives individuals the right to request an accounting of certain types of health information disclosures. To request a list of the persons who have accessed their Data, Individuals must complete a Health Information Request Form and return it to a Healthcare Provider Participant.

4.3.1. Participant Responsibilities

Because Health Current does not have a direct relationship with individuals whose Data is accessible through the HIE, Health Current must rely upon its Participants to verify that the individual who is making the request either is the individual or personal representative of the individual. Thus, Participants must:

- 4.3.1.1.** Accept an individual's completed Health Information Request Form;
- 4.3.1.2.** Verify the identity and authority of the individual in accordance with Applicable Law and Healthcare industry standard security practices; and
- 4.3.1.3.** Securely send the completed and validated Health Information Request Form to Health Current for processing.

4.3.2. Health Current Responsibilities

Health Current will respond to an individual accounting request within thirty (30) days of receiving the completed and validated Health Information Request Form from the Participant.

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



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Revision Table

Version	Date	Description of Change	Revised By
A	1/26/2021	Adopted HIE Participant Policy Manual including this Individual Rights Policy.	Board of Directors