SACVALLEY MEDSHARE	POLICY: *Individual Participation and Control of Information Available Through the HIE*	POLICY NUMBER: *SVMS-04.001*
Compliance Requirement	Author: E. Steffen & J. Helvey	Origination Date: 07/16/2015
45 C.F.R. §164.506(b)	Revised By:	Revised Date:

Scope and Accountability:

This policy applies to SacValley MedShare (SVMS) and all Participants.

Policy Statement:

1. **Choice Whether to Have Information Included in the System**. All individuals will have the opportunity to opt-out of participating in SVMS. Participants agree to approve such requests, subject to qualifications and limitations as described in the informational brochure (SVMS-FORM-041) and/or in these policies. A request shall not be accepted to the extent it agrees to restrictions that exceed the then current physical, technical, and/or administrative capabilities of the System.
    a. Individuals shall be afforded the opportunity to exercise this choice at the time of any service at a Participant that is a healthcare provider or thereafter through a uniform "opt-out" process.
    b. SVMS will, from time to time, furnish Participants that are healthcare providers with an informational brochure about the System for distribution to individuals and for use in explaining the meaning and effect of participation or opting out. Participants may customize the informational brochure as they deem appropriate to fit their circumstances. The brochure will also contain a link to the SVMS website where SVMS will provide an explanation of the meaning and effect of participation or opting out.
    c. The brochure shall explain the scope of an opt-out decision, the risks to the individual's data privacy and security if the individual participates, the effect and benefits of participation, and the effect and disadvantages of opting out. The brochure will explain that a Participant's policies continue to govern access, use and disclosure in all other contexts.
    d. The brochure shall state that the Participant (and other Participants) will not withhold coverage or care from an individual on the basis of that individual's choice not to have information about him or her included in the System.
    e. Participants should furnish the brochure to individuals at the initiation of an episode of care and note for individuals the opportunity to opt-out of the system or ask questions. Each Participant will have one or more persons designated to answer questions about the System or about opting out or revoking a prior opt-out election.
    f. Participants may also direct individuals to the SVMS website where the individual can ask additional questions and obtain additional information about participation in SVMS and opt-out. SVMS as a business associate of the Participants is authorized to provide information and answer individual questions about SVMS and the opt-out alternative on behalf of Participants.
    g. Participants that are health plans provide only limited enrollment and eligibility information through the System and have limited or no face-to-face contact with individuals. Participants that are health plans shall provide a description of the System, an explanation of the right to opt-out, a link to the SVMS website and a phone number individuals can use to obtain additional information about the System, insurer access, and the right to opt-out in their annual Notice and otherwise as they determine necessary.
2. **Change to Prior Election.** An individual may opt-out or revoke a prior election to opt-out at a later date. The brochure and information on the SVMS website should inform the individual that

withdrawing a prior opt-out election will result in information that was previously unavailable through the System becoming available to all Participants using the System.

3. **Effect of Choice.** An individual's election to opt-out, whether made at the time of service or subsequently, will have prospective effect only and will not impact access, use and disclosure occurring before the decision is received and communicated through the System.
4. **Limited Effect of Opt-Out.** A decision to opt-out only affects the availability of the individual's protected health information through the System. Each Participant's policies continue to govern access, use, and disclosure in all other contexts and via all other media.
5. **Documentation.** Each Participant shall document and maintain documentation that information about the System and about the ability to opt-out of the System has been provided to the Participant.
6. **Participant's Choice.** Participants shall establish reasonable and appropriate processes to enable the exercise of the individual's choice not to have information about him or her included in the System. The uniform processes described in this Policy are not exclusive, and Participants may adopt additional, not inconsistent, mechanisms.
7. **Provision of Coverage or Care.** A Participant shall not withhold coverage or care from an individual on the basis of that individual's choice to opt-out.
8. **Reliance.** Participants will be entitled to assume that an individual has not opted-out if the individual's protected health information is available through the System.

Authorization	Name	Signature	Date
Board Chair	Myron Machula	Myron Machula	12·3·15
Compliance Officer			
Executive Director			

Reference:

Central Illinois Health Information Exchange Privacy Policies. (2011, December).

Office for Civil Rights. (2010.) *The HIPAA Privacy Rule and Electronic Health Information Exchange In a Networked Environment.* Individual Choice. Retrieved July 16, 2015 from http://www.hhs.gov/ocr/privacy/hipaa/understanding/special/healthit/individualchoice.pdf

Version	Date	Author	Comment
.001	11/05/2015	E. Steffen/ J. Helvey	Initial release.