

Health Information Exchange Privacy Policy

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The purpose of the HealthlinkNY Health Information Exchange (HIE) is to allow users (ex: physicians, physician assistants, nurse practitioners and their staff) to access their patients' complete medical records. Because the HIE allows medical information to pass electronically across organizations in our region, medical practitioners will be able to access medical information maintained and updated by other practices.

It is HealthlinkNY's duty to ensure that the appropriate levels of security and control are maintained in order to protect user and patient confidentiality. The purpose of this document is to describe HealthlinkNY's privacy and security practices, as well as document how HealthlinkNY uses data from the HIE.

HealthlinkNY is committed to maintaining the privacy of both the patients and the HIE authorized users at all times. All users should expect that HealthlinkNY and HealthlinkNY's HIE vendor are treating patient data and HIE usage information in a manner that meets or exceeds patients' and providers' privacy expectations. HealthlinkNY and HealthlinkNY's HIE vendor practices must also meet New York State and federal privacy regulations, including Health Insurance Portability and Accountability Act (HIPAA) and the Health Information Technology for Economic and Clinical Health Act (HITECH).

Access and Usage

The HIE can be used to access the complete medical records of patients, consisting of records maintained by participating practices in HealthlinkNY's service area. Patients must give consent for the medical information contained within their HIE record to be viewed before it can be accessed by the users within the practice. Once consent has been given, practitioners and their staff are only able to access a patient's record if they have a treatment relationship with the patient. Furthermore, the level of access given to each authorized user is limited to the minimum amount of information required to fulfill their job duties. Only clinical professionals are given access to their patients' clinical information; other users only have access to demographic information.

Use of HealthlinkNY's HIE is strictly limited to tasks related to treatment and HealthlinkNY operations. All other uses of the HIE are considered security breaches and will result in penalties up to and including the loss of access to the HIE, in accordance with HealthlinkNY policy and state and federal regulations. Practitioners are responsible for any unauthorized uses of the HealthlinkNY HIE and any acts that compromise its privacy and security that are committed by themselves or their staff.

Server Security

HealthlinkNY is committed to safeguarding patient and user information. HealthlinkNY uses encryption to ensure the integrity and privacy of user information as well as patient information shared through the HealthlinkNY HIE. As an added security precaution, all patient and user information is stored on servers with firewalls that meet or exceed industry standards to prevent intruders from gaining access.

Per-Session Cookies

A cookie is a code that a website transfers to a user's hard drive during a website visit. Standard cookies contain or collect a user's name or other identifying information for tracking and website usage reporting purposes. The HealthlinkNY HIE web portal does not store any cookies on an authorized user's hard drive; instead, it transfers a "per-session cookie" while the user is logged into the HIE and deletes it when the user logs out. This unique "per session cookie" does not contain or collect the user's name or other personal identifying information.

The user's internet browser must be set to accept per-session cookies from the HealthlinkNY HIE. Most browsers allow users to accept per-session cookies without accepting stored cookies. Instructions for changing a browser's response to cookies can be found in the browser's **Help** section. If the user accepts the HealthlinkNY HIE cookie, HealthlinkNY will never link the cookie to personal information or patient information.

How HealthlinkNY Uses Information from the HIE

HealthlinkNY is committed to providing HIE users a quality product. HealthlinkNY may monitor general user traffic patterns in the HIE web portal in order to analyze what users like and do not like about the current HIE portal design in order to improve design and service. By logging into the HealthlinkNY HIE, users agree to have information collected about HIE usage. HealthlinkNY may provide third parties (business partners such as researchers, business analysts, system designers and others) with access to the HIE usage data. HealthlinkNY will not use or disclose any personal information about users or their patients to these parties without users' permission, except as described below.

The following is a list of instances when HealthlinkNY may share information about users and patients during the normal course of business with authorized third parties:

- Sharing of aggregate statistical information about HealthlinkNY HIE users, traffic patterns and site usage with HealthlinkNY's business partners. HealthlinkNY routinely documents patterns of use among users by geographic region, specialty or other broad classification. Aggregate statistical information on usage does not include the identity of individual users.
- Contracting with vendors to provide specific services such as data analysis, data storage, or customer service. HealthlinkNY's business partners are specifically required

by contract to adhere to HealthlinkNY's confidentiality standards and are prohibited from using information for anything other than the intended purpose.

- Releasing patients' or users' personal and professional information in response to a court order, subpoena, search warrant, public health requirement, law or regulation. When HealthlinkNY is required to release user or patient information, HealthlinkNY will notify the affected users and patients, unless doing so would violate the law or court order.
- Cooperating with law enforcement authorities in investigating and prosecuting users that violate HealthlinkNY rules or engage in behavior that is illegal or harmful to other persons.

Changes in Privacy Practices

HealthlinkNY reserves the right to change the terms of this privacy policy at any time and will post revisions on the HIE portal website. If any changes result in patient and user information being used differently from the practices stated in the privacy policy in effect, users and patients will be notified by HealthlinkNY.

The purpose of the HealthlinkNY Health Information Exchange (HIE) is to allow physicians, physician assistants, nurse practitioners and their staff to access their patients' comprehensive medical record. Because the HIE allows medical information to pass electronically across organizations in HealthlinkNY's service area, practitioners will be able to access medical information maintained by other practices. The information available through the HealthlinkNY HIE would be accessible to all clinicians who have valid legal authorization to access a patient's information. The HIE provides a mechanism to efficiently share this information among practitioners.

It is HealthlinkNY's duty to ensure that the appropriate levels of security and control are maintained in order to protect patient confidentiality. The purpose of this policy is to describe the policies and procedures governing access to patient information through the HealthlinkNY HIE by physicians, physician assistants, nurse practitioners and their staff.

Authorized Users

Authorized users include physicians, physician assistants, nurse practitioners, other clinical professionals and their staff who are employed by or are otherwise affiliated with participating practices. All users must receive training on how to use the HIE before they will be authorized to access information through the HIE. Access to the HIE must be revoked upon termination of employment or affiliation with the participating practice, or if the user's role changes and access to the HIE is no longer relevant to their job duties. It is the participating practice's responsibility to notify HealthlinkNY when changes to level of access or termination of access is required. HealthlinkNY may terminate access to the HIE in response to violations of HealthlinkNY's Policies and Procedures.

Access

Authorized users will be able to access information in the HIE for patients with whom they have a treatment relationship. A practitioner has a treatment relationship with a patient if the practitioner is listed as the primary care, admitting, attending, referring or consulting practitioner in the HIE record. A practitioner's staff may also access the records of their patients. However, a patient must have submitted affirmative consent in order for practitioners and their staff to access the patient's medical information through the HIE (except in emergency situations). The Break the Glass "BTG" role is offered to practitioners of an Emergency Department or Urgent care facility, in case of need for emergency access to the Protected Health Information (PHI) of a patient undergoing a medical emergency. Notification must be provided to the individual patient whom record has been accessed or to all patients that their record may have been accessed via "BTG". Please see Participation Agreement for details.

The level of access given to each authorized user is limited to the minimum amount of information required to fulfill their job duties. Practitioners and other clinical professionals will be able to access demographic and clinical information of their patients; non-clinical professionals will have access only to patients' demographic information.

Authorized Uses

Use of the HealthlinkNY HIE is strictly limited to treatment and HealthlinkNY operations. Access to patient information through the HealthlinkNY HIE for any other purpose will be considered a breach of security, a violation of patient confidentiality, and will constitute professional misconduct. Practitioners are responsible for violations caused by themselves or their staff in accordance with the policies and procedures of HealthlinkNY.

Disclosure of Information

Information contained in the HealthlinkNY HIE should be treated similarly to information maintained by individual medical practices. Disclosure of information accessed through the HealthlinkNY HIE must be done in keeping with the privacy policies of the participating practice. Disclosure is subject to the Health Insurance Portability and Accountability Act (HIPAA) and other New York State and federal privacy regulations. Any disclosure of information that violates the HIPAA privacy rule will be considered a security breach, which carries administrative penalties and constitutes professional misconduct. Practitioners are responsible for unauthorized disclosure of information accessed via the HealthlinkNY HIE by themselves and their staff. HealthlinkNY participants must notify HealthlinkNY when security breaches involving use of the HealthlinkNY HIE are discovered.

Password Security

Authorized users will be assigned a unique username and password during the access request process by HealthlinkNY. HealthlinkNY will determine the level of access for each user based on job duties.

HealthlinkNY does not allow group or temporary usernames. Authorized users will be required to change their password every 90 days and will be prohibited from re-using passwords. Access to the HIE will be terminated after five failed login attempts. Participant organizations who access the HIE via E.M.R. should follow these same access controls. Password resets for web portal accounts can be completed by HealthlinkNY or by using the 'Forgot Password' link on the Web Portal log-in page. Contact HealthlinkNY at (844) 840-0050 (Mon-Fri 8 am – 5 pm) for a password reset.

Sharing a username and password and using another user's username and password are violations of HealthlinkNY's policies and procedures and constitute security breaches. If an authorized user suspects that his or her password has become compromised, he or she has a responsibility to report the suspicion to HealthlinkNY directly and immediately. A new password will be issued. Along with HealthlinkNY, participating practices must investigate such security breaches.

Practitioners are responsible for the confidentiality of their passwords and the passwords of their staff. Password security and other privacy violations may result in revocation of practice-wide access to the HIE.

Physical Security

Authorized users must guard against incidental disclosure of HealthlinkNY HIE information at all times. For example, users must close the HIE portal windows upon task completion and tightly control any printed documents generated by the HIE. In addition, users must log off the HealthlinkNY HIE portal site before leaving their computers unattended. The HealthlinkNY HIE should not be accessed on computers in public areas.

Failing to sign off from the HIE at the end of a session constitutes a security breach. Using an active terminal which is currently logged in by another user also constitutes a security breach. Practitioners are responsible for ensuring that these and other security violations are not committed by their staff or unauthorized users in their work space.

Audit and Sanctions

Use of the HIE will be audited by HealthlinkNY to ensure proper use. Sanctions for improper use shall include but do not necessarily have to be limited to:

1. Requiring an Authorized User to undergo additional training with respect to participation in the HIE
2. Temporarily restricting an Authorized User's access to the HIE
3. Terminating the access of an Authorized user to the HIE
4. Suspending or terminating a Participant's participation in the HIE
5. The assessment of fines or other monetary penalties