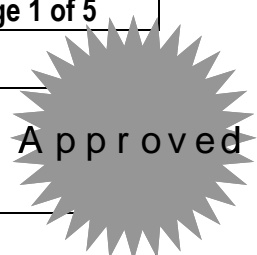


Rhode Island Health Information Exchange

RI HIE POLICY AND PROCEDURE

Approved 

Subject: Complaints	Related Policies: Patient Authorization, Enrollment, Response to Breach of the RI HIE
Stakeholder Group: Steering Committee	Submission Date: May 22, 2008
Target Implementation Date: TBD	Date of Scheduled Review: TBD

BRIEF DEFINITION: The RI HIE Complaints Policy is intended to establish a process for reviewing and resolving complaints.

BACKGROUND AND PURPOSE: The state designated Rhode Island Regional Health Information Organization (RHIO) will implement a range of policy and technical safeguards to protect the confidentiality of Protected Health Information (PHI).

The RHIO has the responsibility to provide a process by which patients may complain and/or make suggestions or other comments about HIE-related practices. The RHIO additionally requires provider site users to address complaints related to the HIE at those sites. Further, complaints may be addressed to a designated third party advocate to be identified by the Rhode Island Department of Health.

RESPONSIBILITY:

The entities responsible for policy compliance and complaint resolution:

- State designated RHIO
- Authorized HIE users
- Rhode Island Department of Health as oversight agency

POLICY

1. **The RI RHIO and authorized users of the RI HIE will accept complaints pertaining to the RI HIE.** The RHIO will make this policy known through educational materials and online resources.
 2. **All complaints are private, confidential and protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) guidelines.** Patient identity is confidential and cannot be released without the express written permission of the patient. Access to information or documents regarding a complaint will be restricted to appropriate RHIO professional staff. Records related to complaints will be stored in a secure location either in hard copy or electronic format.
 3. **Neither the RHIO nor users who view information through the RI HIE will retaliate, discriminate against, intimidate, coerce, or otherwise reprise patients or patient advocates related to the filing of a complaint.**
 4. **Patients will be advised of their right to seek civil and criminal penalties under Rhode Island state and federal law for any actions taken by HIE user sites or the RHIO that violate state or federal law.**
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PROCEDURES

Overview

The RHIO will take responsibility for addressing complaints related to the HIE. If the complaint is related to an HIE user site, the HIE user site will be notified to address the complaint or provide the complainant with a formal complaint form to be submitted to the RHIO.

The complainant may request that the RHIO facilitate resolution of any complaint that a complainant believes has been inadequately addressed by an HIE user site.

Additionally, complaints may be addressed by the Rhode Island Department of Health, as the regulatory body which licenses health care providers.

Examples of complaints related to the HIE system may include:

- a. Complaints about data entered into the HIE (i.e., without authorization)
- b. Complaints about data viewed through the HIE (i.e., without authorization)
- c. Complaints related to information management.

I. General Practices

1. Complaints Addressed to the HIE User Site (Healthcare Provider) Organizations

- a. The RHIO will require that all HIE user sites that access data through the HIE acknowledge a common set of patients' rights and responsibilities regarding the HIE, establish and implement policies and procedures that address patients' rights and responsibilities, and encourage patients to understand and exercise those rights and responsibilities. All HIE user sites must support an internal patient complaint process for the resolution of problems related to use of the HIE.
- b. Patients may file a complaint with the HIE user site for a complaint related to that site's use of the HIE. In these cases, the HIE user site shall take action to resolve the complaint directly with the patient.
- c. For any complaints that an HIE user site receives indicating that a breach of confidentiality related to the HIE has or may have occurred that has otherwise not been resolved to the patient's satisfaction, the HIE user site will take action to resolve the complaint directly with the patient and the HIE user site shall also report the complaint to the RHIO, pursuant to the Response to Breach of the RI HIE Policy. In such cases, the HIE user site shall assure that the details of the complaint are documented on a Patient Complaint Form, including the date the complaint was received and all related actions taken by the HIE user site. The Patient Complaint Form should be immediately forwarded to the RHIO Privacy Officer.
- d. If an HIE user site cannot resolve a patient complaint directly or if that user site believes the complaint is in error and direct resolution is not possible, the HIE user site shall assure that the patient provides the details of the complaint on a Patient Complaint Form, including the date the complaint was received and all related actions taken by the HIE user site. The HIE user site shall forward the Patient Complaint Form to the RHIO Privacy Officer and such complaint will be considered an unresolved complaint to which the RHIO would respond.
- e. Patient complaints about privacy issues related to the RI HIE or RI RHIO shall not be documented within the patient's medical record.

2. Complaints Addressed to the RHIO

- a. If a patient has complained to the HIE user site without satisfaction, the patient will be directed to file the complaint with the RHIO.
- b. If patients have a complaint about data submitted to the HIE improperly, the patient will be directed to file the complaint with the RHIO.
- c. If the patient does not wish to complain to the HIE user site, the patient may address a concern directly to the RHIO. Complaints of this nature may be directed by patients, patient family members and patient advocates to the RHIO for review and resolution. The RHIO will notify the HIE user site of the nature of the complaint if it addresses actions by the HIE user site.

- d. If a patient's complaint is related to the RHIO and not related to an HIE user site, the patient should address their concerns directly to the RHIO. Complaints of this nature may be directed by patients, patient family members and patient advocates to the RHIO for review and resolution.

3. Complaints Addressed to the Rhode Island Department of Health

- a. Complaints may be directed to the Rhode Island Department of Health.
- b. Upon receipt by the Rhode Island Department of Health of a Patient Complaint Form from any party (HIE user, patient, or third party advocate), the Department of Health shall follow its usual process for investigating complaints. These investigations are confidential to the public until they have been resolved. Once a complaint investigation has been resolved, the Department of Health shall notify the RHIO Privacy Officer.

II. Review of Complaints by the RI RHIO

1. The RHIO will appoint a Privacy Officer and establish and maintain a standing subcommittee for consultation and review of complaints.
2. Any patient wishing to file a complaint with the RHIO shall, whenever possible, be offered a Patient Complaint Form upon which their complaint, suggestions, and/or other comments may be fully explained. Blank Patient Complaint Forms may be obtained from participating HIE user sites or from the RHIO.
3. Any privacy complaint made verbally to the RHIO shall be documented by the RHIO Privacy Officer on a blank Patient Complaint Form/in a Complaint Log maintained by the RHIO and subject to review by the Rhode Island Department of Health. Such documentation shall include: the date the complaint was made; the name and identity of the complainant; a description of the discussion in which the complaint was voiced; any suggestions made by the complainant; and the circumstances surrounding the complaint, including the identity of any individuals who are the subject of the complaint.
4. Upon the RHIO's receipt of a Patient Complaint Form by any party (HIE user site, patient, or third party advocate), the recipient of the Complaint Form shall document the date of its receipt on the form and immediately forward the Patient Complaint Form to the RHIO Privacy Officer.
5. All complaints received by the RHIO, whether written or oral, shall be reviewed by the RHIO Privacy Officer. A response shall be made to any unresolved privacy complaint within thirty (30) days of the date of the RHIO's receipt of the complaint, absent extenuating circumstances. Under extenuating circumstances, the Privacy Officer may extend this deadline as necessary, so long as a letter explaining the reason for the delay and the date that the complainant can expect a disposition on the complaint is sent to the complainant prior to the expiration of the thirty (30) day deadline. The date the response is sent shall be documented by the Privacy Officer on the Patient Complaint Form.
6. Any complaint regarding a breach of confidentiality shall trigger the Response to Breach of the RI HIE Policy and Procedures.
7. Copies of all written Patient Complaint Forms shall be maintained by the RHIO.

8. The disposition of a complaint shall be documented by the RHIO Privacy Officer. Whenever a verbal complaint is received and documented in the Complaint Log, the disposition of the complaint, as well as the date of the response, shall also be documented within the Complaint Log.

III. Communicating and Maintaining Procedures Regarding RHIO Privacy Practices

1. Information provided to a patient when he/she authorizes participation (enrolls) in the HIE shall include information about the privacy practices of the RHIO and its participating HIE users and that a complaint process exists.
2. All requests for information about the RHIO's privacy practices shall be responded to by the RHIO Privacy Officer as soon as reasonably possible, but no later than ten (10) days from the date of the request.
3. To maintain an effective and efficient complaint policy and procedure, the RHIO will periodically self-evaluate its system of addressing complaints. Any resulting changes in policy or procedure will be brought before the RHIO Board of Directors for approval prior to implementation.