



Rhode Island Health Information Exchange RI HIE POLICY AND PROCEDURE	
Subject: Temporary Authorization to Access Patient Information in the RI HIE	Related Policies: RI HIE Patient Authorization, RI HIE Enrollment Policy, Uniform Patient Authorization Form, Monitoring Information Access, Patient-Audited Disclosure History, Complaints and Grievances, Notification of Breach
Stakeholder Group: Steering Committee	Submission Date: May 22, 2008
Target Implementation Date: TBD	Date of Scheduled Review: TBD

BRIEF DEFINITION: The RI HIE Temporary Authorization Policy describes the set of rules and responsibilities regarding how healthcare practitioners who are authenticated users of the RI HIE may acquire temporary authorization to patient health information through the RI HIE. This Temporary Authorization Policy provides a mechanism to allow individual healthcare practitioners access to their patient’s health information in the RI HIE in unforeseen circumstances when the practitioner believes that access to and knowledge of the health information is in the best interest of treating the patient.

BACKGROUND AND PURPOSE: This RI HIE Temporary Authorization Policy is a practical extension of the RI HIE Authorization Policy which allows consumers the choice to enroll in the RI HIE and to specify who has access to their health information through the RI HIE. Further, the goal of the policy is to outline the specific details of the “minimum authorization” provision of the RI HIE Enrollment Policy which states, “[B]y enrolling in the RI HIE, consumers, at a minimum, authorize healthcare providers that may care for them in emergencies or other unscheduled events to access their health information through the RI HIE on a temporary basis.” The purpose of the Temporary Authorization Policy is to guide appropriate use of temporary authorization privileges and clarify actions to be taken by patients, practitioners and the RI HIE once temporary authorization has been invoked. Specific areas of focus include specifying user roles that may invoke temporary authorization and rules pertaining to patient permission, patient notification and duration of authorization.

Responsibility:

The entities responsible for assuring policy compliance:

- state designated Regional Health Information Organization (RHIO)
- Authorized HIE users (licensed independent practitioners)
- Patients enrolled in the RI HIE

POLICY

- 1. The RI HIE will include the technical capability for consumers to declare who may have access to their health information through the RI HIE. According to the choices enumerated in the RI HIE Enrollment Policy, for patients who choose the minimum level of access to their health information and/or in a case when a specific treating provider has not been granted authorization in advance of an unanticipated healthcare event, the RI HIE will allow temporary authorization to the provider according to the provisions of this policy.**
- 2. Temporary Authorization privileges are reserved for RI HIE users acting in the assigned role of “licensed independent practitioners” (“LIP”) who have a treatment relationship with the patient.** The only users capable of invoking permission for temporary authorization to access patient information will be “licensed independent practitioners” (LIP) that participate in the RI HIE. LIP is defined as any individual permitted by law to provide care, treatment, and services, without direction or supervision, within the scope of the individual's license and consistent with individually granted clinical privileges.
- 3. To invoke temporary authorization, an LIP must attest to a treatment relationship with the patient and make every reasonable effort to either obtain the patient’s permission to view the information through the RI HIE or to notify the patient that the information has been viewed to support care delivery. If a patient denies temporary access to an LIP, an LIP will not access the patient’s information. In circumstances where neither advance patient permission nor patient notification after the fact is feasible, the LIP may invoke temporary authorization, if the LIP believes it is in the best interest of treating the patient.** To invoke temporary authorization privileges, the LIP must attest to an active treatment relationship with the patient and indicate one of the following:
 - a. Patient permission to access the record has been obtained; or
 - b. The LIP believes that access to health information through the RI HIE is in the best interest of the patient and shall notify the patient following access; or
 - c. The patient is unable or unavailable to permit or deny access or to receive notification, and the LIP believes that access to health information through the RI HIE is in the best interest of the patient.
- 4. Within a reasonable period of time following a temporary authorization event for which the LIP is unable to obtain patient permission or notify the patient of access to health information through the RI HIE pursuant to Section 3(c), the RI HIE will provide notification to the patient.** This notification will include the date, time, type of information and person to whom the information was disclosed.
- 5. The access to patient health information by the LIP for temporary authorization events will be limited to 72 hours from the time of initial access.** Upon expiration of a temporary authorization period, the LIP must request a new 72-hour temporary authorization period, and follow the procedures set forth above.

- 6. Details of all temporary authorization events will be auditable by the RI HIE and reportable as required or as requested.** Temporary authorization events will be recorded in the audit records of the RI HIE and will undergo review to detect unusual access patterns. Upon patient request, the RI HIE will produce a written disclosure history including the date, time, type of information and person to whom information was disclosed.
- 7. Patients or their authorized representative must notify the RI HIE by phone, electronically or in writing of any known or suspected incidents of unauthorized access to their health information through the RI HIE. Such notification by patients, or any complaint or grievance will be processed according to the RI HIE Complaints and Grievances Policy and the RI HIE Notification of Breach Policy.**