Policy #23
CurrentCare Exchange of Substance Abuse Treatment Records Policy

Purpose

The Rhode Island Quality Institute ("RIQI") administers Rhode Island’s statewide Health Information Exchange ("HIE"), CurrentCare. The purpose of the Exchange of Substance Abuse Treatment Records Policy is to include a patient’s records form Part 2 programs to be included in CurrentCare, to be accessible to treating providers of patients with their authorization, and comply with Rhode Island and federal statutes and regulations that protect the confidentiality of the patient’s PHI, including substance abuse treatment records.

Scope

This policy applies to all Rhode Island Quality Institute ("RIQI") staff members. RIQI “staff members” includes all employees, volunteers, vendors, and subcontractors.

Policy Statement

Brief Description:
Substance abuse treatment records from any substance abuse treatment providers that falls within 42 C.F.R. Part 2 (“Part 2 provider”) may be exchanged through CurrentCare to treating providers of patients if the patient has authorized the disclosure of the substance abuse treatment records to the treating provider and the treating provider has certified that s/he has an active treating relationship with the patient. The Part 2 provider must obtain specific written consent from each patient for the disclosure of their substance abuse treatment records to the Participation Gateway. Absent such written consent, the patient’s substance abuse treatment records from that provider will not be transmitted to the Participation Gateway by the Part 2 provider. No access or disclosure of the records will be available to providers unless the provider certifies that s/he has an active treating relationship with the patient and the patient has authorized the treating provider to have access to the records.

Responsibility:
The entities responsible for assuring policy compliance:
- RIQI
- Part 2 providers
- Authorized CurrentCare users (licensed independent practitioners)
- Consumers enrolled in CurrentCare

Policy:
1. The Part 2 provider **must obtain specific written authorization** of the patient by using the **uniform CurrentCare Authorization for Use & Disclosure of Protected Health information form** that permits disclosure of the patient's substance abuse treatment records to CurrentCare. The Part 2 provider will **maintain and retain records** to evidence the consent process.

2. RIQI **must obtain separate written authorization** through the **CurrentCare enrollment form** to disclose **ALL** of the patient's PHI (including substance abuse treatment records to either:
   a. **Any and all** providers who have **treating relationship** with the patient;
   b. **Only** specific treating providers explicitly named in the written consent; or,
   c. **Only** in the event of an emergency.

3. If a patient chooses that any and all providers who have a treating relationship with the patient may access their CurrentCare record, RIQI will not allow access to the record unless a provider provides affirmative confirmation of a current treating relationship with the patient. If the patient chooses that only specific providers may have access to the record, RIQI will only allow access to providers who have been authorized by the patient and who also affirmatively confirm a treating relationship with the patient. If a patient chooses that providers may only access the record in the event of an emergency, RIQI will only allow access to providers who affirmatively confirm a treating relationship with the patient and that the access is needed due to an emergency.

4. All records received from Part 2 providers will be separated from a patient's other PHI in the patient's CurrentCare record.

5. All providers who access PHI from a Part 2 provider are prohibited from redisclosure of a patient's substance abuse treatment records accessed or obtained from CurrentCare without the patient's specific consent in accordance with 42 CFR Part 2. When a provider accesses the information in the CurrentCare record that is designated as Part 2 information, the provider must accept the restriction on redisclosure of the Part 2 information. If the provider confirms that it has a current treating relationship with the patient and that the provider accepts the restriction on redisclosure of the information, then the provider will be able to access the Part 2 provider information in CurrentCare.

6. All Part 2 Providers that disclose patient records to CurrentCare must execute a **Data Sharing Partner Agreement** with CurrentCare, and all providers that access patient records must complete a **Data Use Agreement** with RIQI before any provider has access to any PHI in CurrentCare.

7. Access to all PHI in CurrentCare will be audited for compliance.
Compliance

Any violation of this policy will subject the employee to disciplinary action or immediate discharge. Any RIQI employee having knowledge of any violation of the policy shall promptly report such violation to Human Resources and to the RIQI HIPAA Privacy and Security Officer.

<table>
<thead>
<tr>
<th>Version</th>
<th>Effective Date</th>
<th>Statement of Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>See signature date below</td>
<td>Original policy</td>
</tr>
</tbody>
</table>