

PARTNERSHIP FOR ACHIEVING TOTAL HEALTH

Greater New Orleans Health Information Exchange

Section: HIPAA		Subject: PATH SENSITIVE DATA POLICY		
Controls Addressed:	Regulations	Controls		
	Security (A)	45 CFR 164.501, 164.502, 164.514 and 42 CFR: § 2.11 (Part 2)		
Applies to: <input type="checkbox"/> LPHI <input checked="" type="checkbox"/> PATH <input type="checkbox"/> Business Partner		Effective from: 9-10-2015	Revised on: 10-22-2019	Page 1 of 3
Approved: 11/2019				

I. PURPOSE

The Sensitive Data policy aims to ensure that the Greater New Orleans Health Information Exchange (GNOHIE), which is administered by the Partnership for Achieving Total Health (PATH), and GNOHIE Participating Organizations and Members appropriately exclude Sensitive Data from being shared through the GNOHIE in a manner consistent with sound policy and in accordance with applicable law.

II. SCOPE

This policy applies to PATH, Participants, and internal procedures for storing data within GNOHIE.

This policy describes the responsibility of PATH and Participants in excluding Sensitive Data from being shared in the GNOHIE. The provision of specific protocols and procedures governing when and how Sensitive Data is excluded is vital to ensuring ultimate compliance with applicable patient privacy laws, as well as the patient's right to confidentiality of the medical record.

III. POLICY STATEMENT

A. Responsibility

1. Responsibility for restricting the transmission of Sensitive Data shall reside with the Sending Participant.
2. The GNOHIE shall work with Sending Participants on the proper removal of Sensitive Data and instruct on the GNOHIE's ability and limitations in suppressing such information.

B. Genetic Information

1. Sending Participant shall restrict the transmission of Sensitive Genetic Information to the GNOHIE.
2. Suppression at the GNOHIE level shall be maintained using a list of applicable ICD-9, ICD-10, SNOMED CT and CPT codes and keywords.

C. Confidentiality of HIV information

1. LA Title 40 § 1300.14 - Confidentiality of HIV information
With only limited exceptions, this law treats HIV info like other medical information.

D. Psychotherapy Notes

1. The Sending Participant shall not include psychotherapy notes in a patient's electronic record shared through the GNOHIE.
2. Data shall be suppressed at the GNOHIE level by filtering by site, keywords, provider and type of visit using CPT codes.

E. Minor Mental Health

1. Minor mental health data, not including psychotherapy notes, can only be shared among direct treatment providers.

F. Substance Abuse Treatment Records

1. Participants shall not send information from Substance Abuse and Mental Health Services Administration (SAMHSA) Part 2 Providers to the GNOHIE.
2. Suppression at the GNOHIE level shall be maintained using a list of applicable ICD-9, ICD-10, SNOMED CT and CPT codes and keywords.

Definitions:

Sensitive Genetic Information: as defined by The Genetic Information Nondiscrimination Act of 2008 defines, "manifestation or manifested" to mean, with respect to a disease, disorder, or pathological condition, that an individual has been or could reasonably be diagnosed with the disease, disorder, or pathological condition by a health care professional with appropriate training and expertise in the field of medicine involved. The definition also provided that a disease, disorder, or pathological condition is not manifested if the diagnosis is based principally on genetic information. Thus, if an individual has the disease, disorder or condition, the diagnosis and or a genetic test confirming the diagnosis is not considered sensitive data.

Sending Participant: shall mean the GNOHIE Participant that originates the Sensitive Data.

Sensitive Data: shall mean Sensitive Genetic Information including test results (for the purpose of diagnosing an un-manifested condition or disorder), referrals and consultations, adult and minor psychotherapy notes, all minor mental health records, and records from SAHMSA Part 2 Providers.