Statewide Health Network for New York (SHIN-NY)  
*Policy Overview and Minor Consent*

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NYeC & SHIN-NY

Our **shared** vision is a dramatically transformed healthcare system where health information exchange is universally used as a tool to make lives better.

**SHIN-NY mission** is to improve healthcare through the exchange of health information whenever & wherever needed.

**NYeC mission** is to improve healthcare by collaboratively leading, connecting, & integrating health information exchange across the State.

Approved by DOH and NYeC Board, March 2017
Roles & Responsibilities

- Exercise overall authority for SHIN-NY (funding, regulation, laws, policy, guidance, QE certification requirements)
- Serve as partner with private sector
- Utilize state levers to promote SHIN-NY

- Provide thought leadership and statewide management to advance, align, integrate, and advocate
- Facilitate and propose policy, technical standards, functionality, business operations, and innovation
- Oversee delivery of QE core services through performance-based contracts
- Connect QEs statewide and meet performance goals

- Partner with NYS DOH and NYeC to provide thought leadership
- Deliver core SHIN-NY Services
- Meet performance goals and comply with State requirements
- Directly support healthcare reform initiatives, care models, and innovation
- If desired, offer enhanced services for additional fees
Current SHIN-NY Monthly Usage

SHIN-NY Exchanged Information to Support Over 1.2 Million Patients in Their Healthcare

Alerts to Support Transitions To/From Hospital ER and Inpatient
• About 480 Thousand Patients
• Over 7.5 Million Alerts to Care Team Members

Diagnostic or Lab Results Exchanged
• Over 303 Thousand Patients

Health Records
• Over 468 Thousand Patients
• Over 3.2 Million Retrievals

*Based on QE Self-Reporting Q4 2019
SHIN-NY Policy Refresher
The Statewide Health Information Network for New York (SHIN-NY) facilitates the exchange of electronic health information between and among participants.

Qualified Entity (QE) participants can access their patient’s information with written affirmative consent.

**Opt-in (consent-to-access):** written affirmative consent from the patient is required in order for patient health information to be accessed.

SHIN-NY Consent rules are outlined in the *Privacy & Security Policies and Procedures (P&Ps) for Qualified Entities and their Participants under 10 NYCRR § 300.3(b)(1)v3.4*
Uses of Protected Health Information

- Treatment
- Quality Improvement
- Care Management
- Insurance Coverage Reviews

These are considered Level 1 uses. They are permitted from the most common form of consent. Level 2 uses require additional consent components and include but are not limited to:

- Payment
- Research
- Marketing
Consent

Patient chooses whether to permit access and receipt of protected health information ("Opt-In")

Authorization for Access to Patient Information
Through a Health Information Exchange Organization

New York State Department of Health

Patient Name                  Date of Birth               Patient Identification Number

Patient Address

I request that health information regarding my care and treatment be accessed as set forth on this form. I can choose whether or not to allow [Name of Provider Organization or Health Plan; or reference to a list of specific Provider Organizations and/or Plans attached to this form] to obtain access to my medical records through the health information exchange organization called [Name of Qualified Entity]. If I give consent, my medical records from different places where I get health care can be accessed using a statewide computer network. [Name of Qualified Entity] is a not-for-profit organization that shares information about people’s health electronically and meets the privacy and security standards of HIPAA and New York State Law. To learn more visit [Name of Qualified Entity]'s website at...
Consent Continued

Model forms are included in guidance

• **Level 1**
  • With emergency services
  • Without emergency services

• **Level 2**
  • Payer form for payment
  • Research
  • Supplemental Security Income (SSI) Application

Alternative forms may be accepted

• Must include specific elements

Consent forms may be obtained electronically
Additional Consent Context

Other state and federal consent standards apply to the information exchanged and SHIN-NY policy is compliant. The other standards differ for specific types of information.

**Protected Health Information** means individually identifiable health information (e.g., any oral or recorded information relating to the past, present, or future physical or mental health of an individual; the provision of health care to the individual; or the payment for health care) of the type that is protected under the HIPAA Privacy Rule.

**Sensitive Health Information** means any information subject to special privacy protection under state or federal law, including but not limited to, HIV/AIDS, mental health, alcohol and substance abuse, reproductive health, sexually-transmitted disease, and genetic testing information.
2020 SHIN-NY Policy Committee Agenda
SHIN-NY Policy Roadmap Includes:

- Discussions and Recommendations on a SHIN-NY Opt-Out Consent Framework
- SHIN-NY Wide Consent Management System Approach
- Consumer Mediated Exchange (Patient Access)
- Non-Covered Entity Participation in the SHIN-NY (e.g. CBOs)
Disclosures to Additional Entities

• In some cases, HIPAA allows for disclosures to entities that are not permitted under current SHIN-NY policies, for example:
  • disclosures to government agencies such as:
    • protective service agencies monitoring abuse, neglect, or domestic violence
    • health oversight agencies
    • law enforcement
    • correctional institutions
• Additionally, HIPAA permits disclosures to community-based organizations (CBOs) in certain circumstances even though such entities are not covered entities
• In keeping with the intent of modernization of SHIN-NY policies and to the extent possible alignment with HIPAA, the SHIN-NY Policy Committee will explore opportunities to allow for disclosures to CBOs and other entities that may further the overall SHIN-NY 2020 Roadmap goal of supporting value-based care
Minor Consent
Minor Consent in New York State

Minor general health information is governed by parental/guardian consent in New York State.

Minors may consent under certain circumstances to treatment of sensitive health care services that include:

- Reproductive Health Care
- Prenatal Care
- Testing & Treatment for STIs including HIV testing
- Drug and Alcohol Misuse Care
- Mental Health Care
- Emergency Medical Care
- Post-Sexual Assault Care

The SHIN-NY Regulation requires the sharing of minor health information; QEs currently share minor health information governed by parental consent.
Participants in the SHIN-NY (e.g. primary care provider)

- A participant may access minor health information based on consent of the minor’s Personal Representative.
- A participant may access sensitive “Minor Consent Information” based on consent of the minor’s Personal Representative unless federal or state law or regulation requires the minor’s authorization.
- QEs provide training on the consent workflow.

Minor Personal Representatives (e.g. parent or legal guardian)

- QEs and Participants may not disclose Minor Consent Information to the minor’s Personal Representative without the minor’s written consent.
- A minor’s Personal Representative may be denied access if a QE does not have means of ensuring that Minor Consent Information can be segregated from other health information.
Thank you!

Questions?
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