

# Legal and Policy Advisory Group

## March Meeting

March 18, 2014



# Agenda

## Project Update

**Discussion: Phase 2 consent policy and documents**

**Next Steps**

# HIway Operations Update (as of February 2014)

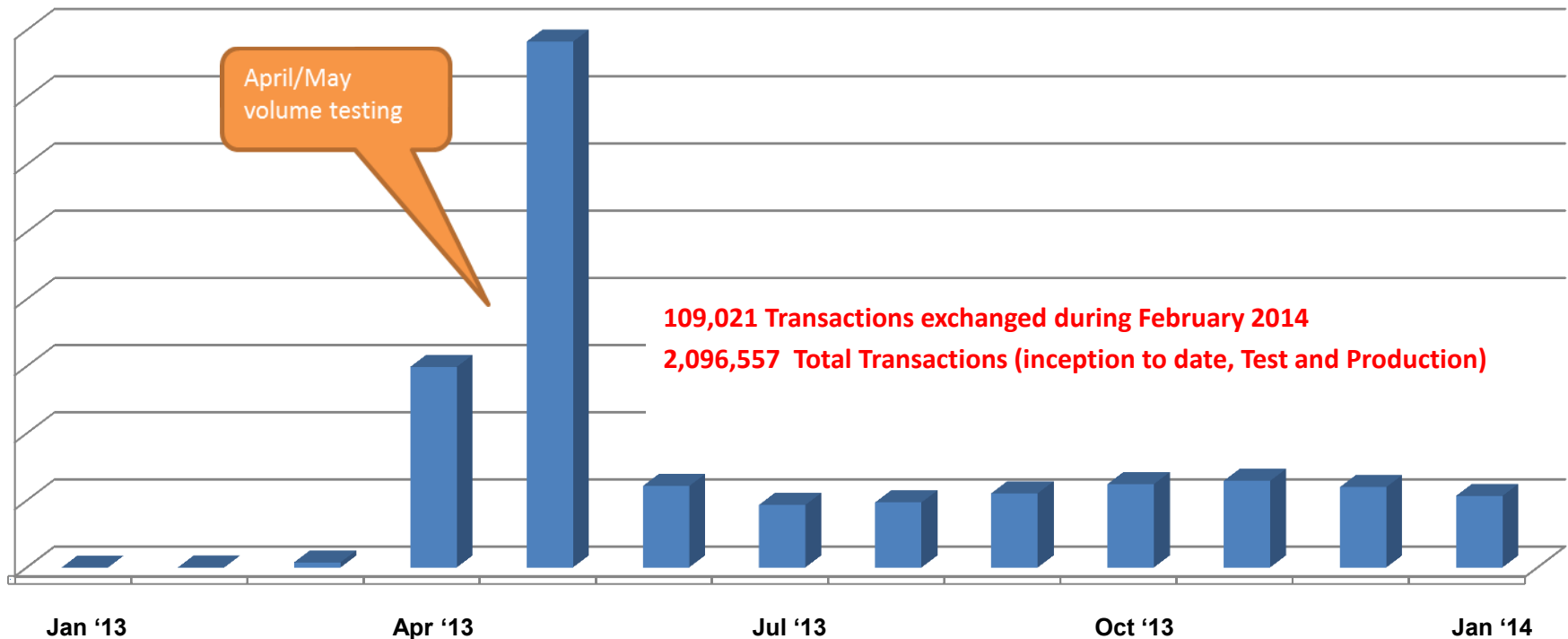
**132 Mass HIway Participants**

**104 Participants live**

**5 Participants went live in February**

**4 New Participation Agreements completed in February**

- The Carson Center for Human Services
- Fairlawn Rehabilitation Hospital
- Mount Auburn Hospital
- Dr. John D. Mudrock



# Mass Hlway Release Schedule

## Mass Hlway Development Timeline

Activity	Target date
Opioid Treatment Program Node Go-Live	March 2014
Cancer Registry Node Go-Live	April 2014
Provider Directory Upgrade Go-Live (support for external use of PD through web-services)	April 2014
Webmail Upgrade Go-Live (MU2 compliance, shared folders to support SEE application)	April 2014
Meditech XDR Solution Go-Live (enables providers to send/receive Direct messages from their Meditech EHR)	April 2014
HISP to HISP Solution Go-Live (enables providers to connect to the Hlway through another HISP)	April 2014
eReferral Phase 1 Node Go-Live (enables bi-directional communications on health related targets given from HPOs to CBOs such as YMCA, Tobacco quit lines, etc.)	June 2014
Childhood Lead Poison Prevention Program Node Go-Live	<del>March 2014</del> Q3 2014 (deprioritized)
Phase 2, Release 2 (Web service access to RLS, eMPI tuning, AIMS integration, Notifications, etc.)	Q3 2014
Healthcare Provider Portal	Q3 2014

# Last Mile Program wrapped up with end of ONC grant on Feb 7

**The Last Mile Program concluded with the end of the Statewide Health Information Exchange Cooperative Agreement with the Office of the National Coordinator (ONC) on February 7, 2014**

**Contact for all Mass HIway activities is the Executive Office of Health and Human Services (EOHHS):**

- **1-855-MA-HIway (1-855-624-4929)**
- **[masshiway@state.ma.us](mailto:masshiway@state.ma.us)**

**Mass HIway is finalizing documentation and educational resources (website included) to promote scalability and self service. Mass HIway will continue to partner with the Massachusetts eHealth Institute (MeHI) on development of targeted educational sessions, mass communications, and general awareness building.**

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# Mass Hlway phase 2 document architecture

## Document Architecture

### Consent Policy

Document	Description	Status
Phase 2 Services Addenda to Participation Agreement	Addendum to contract to cover new phase 2 requirements	Beta version out with phase 2 pilot sites
Policies & Procedure	Rules of the road for phase 2	Near completion – Target April release
Consent Template and Consumer Education Materials	Recommended but not required consent form language and patient education content	In process – Target April release
Participant Training Guides	Training materials to prepare Participant staff to use Mass Hlway and to explain it to patients	In process – Target April release
Website Resources	Go to place for all information and documentation. Deeper content such as Frequently Asked Questions (FAQs) and support services.	In process – Website is up and new items for phase 2 to be added on rolling basis beginning in April

## Consent Policy – Scope of Consent

**Scope of Consent.** Participant is responsible for obtaining patient permission to share patient information over the Massachusetts Health Information Highway. This permission pertains solely to the use of the Mass Hlway. Participant is responsible for obtaining any and all additional patient consents and authorizations, including without limitation consent to release HIV test results, genetic test information, substance abuse information, and as otherwise required by law.



# Hiway Consent Policy – Levels of Consent

**Levels of Consent.** The Mass Hiway offers two levels of functionality, Direct Messaging and Query & Retrieve. Direct Messaging allows encrypted “push” transactions between participants. Query & Retrieve enables the listing of Participant-Patient relationships on the secure, web-based Mass Hiway Relationship Listing Service (RLS) and makes this information available to other authorized Mass Hiway users. This service involves collection and storage of limited patient demographic data by the Mass Hiway.

- **Direct Messaging.** If Participant is solely enabling Direct Messaging functionality, Participant must get patient permission to use the Mass Hiway to transmit patient health information. Participant must identify the Mass Hiway as a mode of exchange.
- **Query & Retrieve.** If Participant is also enabling Query & Retrieve functionality, Participant must get patient permission to transmit specified patient demographic information to the Mass Hiway RLS, which stores the patient demographic information and discloses the Participant’s relationship with the Patient to other authorized RLS users. As part of obtaining this permission, Participant must describe the Mass Hiway Query & Retrieve functionality to the patient.

# HIway Consent Policy – Forms and Language

**Consent Forms and Language.** The Mass HIway does not prescribe specific consent forms or language and thus allows Participants flexibility in designing and implementing Mass HIway consent processes in accordance with their local processes and patient needs. Optional templates and educational resources are available at [www.masshiway.net](http://www.masshiway.net) to assist Participants with development of their policies, processes, and materials.

# HIway Consent Policy – Duration of Consent

**Duration of Consent.** There is no specified time limit for Mass HIway consent. However, the Mass HIway consent must be appropriate to the level of functionality being used by the Participant.

- **Changes in HIway Functionality.** New consent must be obtained if a Participant has consented patients solely for Direct Messaging and later adds Query & Retrieve functionality. However, should a Participant wish to implement the Mass HIway functionality in stages, but does not want to obtain new consent when adding Query & Retrieve, the Participant may do so by following Query & Retrieve consent requirements. **While the Mass HIway does not anticipate any additional changes in Mass HIway functionality that would require new consent, the Mass HIway reserves the right to create new consent requirements if appropriate.**
- **Change in status of adolescent Patients.** Participants shall follow the law and their own internal policies when it comes to mature and emancipated minors.

# Hiway Consent Policy – Changes in Consent, Audit Logs

**Changes in Consent.** Participants are required to allow Patients to change their Mass Hiway consent preferences. Participants are responsible for updating consent preferences with the Mass Hiway.

**Audit Logs.** Participants are required to provide audit logs to Patients as per HIPAA. The Mass Hiway will provide to the Participant available Mass Hiway transaction logs and RLS audit logs upon request by the Participant.

## For discussion – Document review

**Please refer to:**

- **Consumer education document draft**
- **Participant training presentation draft**

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# Next steps

## Next steps

- Reactions to be taken into account by Phase 2 design team
- Meeting notes synthesized and provided back to Advisory Group for final comments
- Presentation materials and notes to be posted to EOHHS website
- Next Advisory Group Meeting – Not yet scheduled - TBD
- HIT Council – scheduled for April 7, 3:30-5:00 One Ashburton Place, 21st Floor

HIT Council meeting schedule, presentations, and minutes may be found at <http://www.mass.gov/eohhs/gov/commissions-and-initiatives/masshiway/hit-council-meetings.html>