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Consent Principles Policy		COO Approval Date	
		COO Signature	
		BOARD Approval Date	
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Owner-Title/Dept	Executive Director	Version #	Board First Read April 7, 2021
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Purpose

The Health Information Alliance, Inc. (HIA) Board of Directors recognizes the importance of a clear and transparent policy regarding consumer consent and the rights a consumer has to control the inclusion of their Protected Health Information (PHI) on the health information exchange. The purpose of this Consent Principles Policy (Policy) is to set forth the principles and standards upon which HIA's consent procedures and practices will be developed and implemented.

Scope/Applicability

This Policy applies to all consumer PHI and Sensitive Health Information contained within or transmitted through the health information exchange and HIA use cases.

Definitions

Protected Health Information or *PHI* has the same meaning as "protected health information" defined at 45 C.F.R. § 160.103, as amended or superseded.

Sensitive Health Information means any information subject to privacy protection under state or federal law, other than HIPAA, including but not limited to 42 C.F.R. Pt 2.

Policy Statements

HIA is committed to ensuring that its consent procedures and practices are transparent and comply with applicable law.

Except as set forth below with respect to Sensitive Health Information, the default consumer consent policy for the health information exchange is opt-out. This means that a consumer must proactively, and explicitly, declare their desire to opt their PHI out of the health information exchange. Opting out means that a consumer's PHI may no longer be shared, returned as the result of a query or sent as an encounter notification. Opting out does not affect or alter the use or disclosure of a consumer's PHI in the context of the exceptions listed in this Policy.

At this time, the health information exchange does not accept Sensitive Health Information.

The health information exchange shall create a consumer consent process, which shall include, at a minimum, a dedicated webpage for consumers to receive information about their consent options and processes and methods for consumers to make a consent decision. This process shall allow consumers to opt their PHI out of the health information exchange and, if chosen by the consumer, opt their PHI back into the health information exchange.

A consumer's consent preference selection shall remain in effect unless and until the consumer expressly changes the selection in accordance with HIA procedures. Consumers may opt-out at any time provided that such opt-out shall not preclude any participating organization that has received PHI via the health information exchange prior to such opt-out, and incorporated such PHI into its records, from retaining such information in its records.

Exceptions

As permitted by applicable law and consistent with other HIA policy, the principles and standards set forth in this Policy shall not apply to the following functions and activities:

- Direct messaging, by which the health information exchange may transmit a consumer's PHI from one participating organization to another participating organization;
- Reporting of PHI by HIA for public health purposes and access to PHI by public health authorities;
- Access to and use of PHI for internal HIA management and operations; and
- Use and disclosure of PHI required by law.

Consent and Use Cases

In a manner consistent with HIA policy, HIA shall promote transparency with respect to proposed and implemented use cases. In furtherance of such transparency, HIA shall seek ways to make use cases and related information accessible to the public, such as by posting information about use cases on HIA's public-facing website. HIA recognizes that a key principle of use case transparency is a thoughtful and accessible consent process. Accordingly, HIA shall evaluate the specific consent requirements and process for each use case.