

BARNABAS HEALTH
POLICY # HIE-10
INFORMATION TECHNOLOGY AND SERVICES
POLICY

TITLE: Information Subject to Special Protection

EFFECTIVE DATE: 6/18/2015

APPROVED BY: 

System: System Chief Information Officer/
Barnabas Health

Date: 8/6/2015

ATTACHMENTS:

EXHIBIT A – GENETIC TESTING

PURPOSE:

To ensure that certain Data subject to “Special Protection” is not accessed or disclosed except in strict accordance with applicable State or federal law. The BHIE shall ensure such Data is afforded specific procedural, technological and/or other safeguards as may be necessary and appropriate.

- i. Identifies BHIE policies and process for handling sensitive Data
- ii. Incorporates Cerner’s technical capability with BHIE standard operating procedures for handling sensitive Data

POLICIES:

- 1. Compliance with Law and HIE Policies.
 - a. Each Participant and Authorized User will comply with the standards and requirements set forth in this and all other applicable BHIE Policies as well as any applicable State and/or federal laws before releasing, using or accessing any category of information subject to Special Protection (hereinafter, “Sensitive Information”).

- b. Participants and Authorized Users will amend general admitting consent forms to include language whereby patients permit access of their Sensitive Information to treating physicians and clinical staff who would otherwise have access to the electronic clinical record.

2. Categories of Sensitive Information Subject to Special Protection in BHIE.

The following categories of Sensitive Information are examples of Data that may be subject to special protection in the BHIE

- a. HIV/AIDS treatment Data
- b. Data regarding patients treated on a distinct substance abuse treatment unit (“Substance Abuse Treatment Information”)
- c. Data regarding patients treated in distinct licensed mental health programs or units (“Mental Health Treatment Information”)
- d. Data regarding genetic testing
- e. Data regarding treatment of minors relating to sexually transmitted diseases, mental health, substance abuse, pregnancy, HIV treatment, and sexual assault (“Minor Information”)
- f. Data related to services for which a restriction requested by the patient
- g. Data requested to be treated as Sensitive Information by the Participant

QUALIFICATIONS: NA

EQUIPMENT: NA

PROCEDURE:

1. General

- a. Each Participant and Authorized User will be responsible for identifying, and complying with, all and any requirements for Sensitive Information applicable to their respective operations and clinical provider type prior to disclosing or making available any such Data through BHIE.
- b. To the extent that any more prohibitive laws and regulations cannot be supported by the BHIE Technology, the BHIE Steering Committee may suspend or delay such Participant’s or Authorized User’s participation and use of the BHIE as may be reasonably necessary until adequate safeguards to protect the Sensitive Information can be implemented.

- c. The BHIE may evaluate and implement technological methods for scanning and sequestering Data maintained by the BHIE system. This includes, but is not limited to, developing and maintaining lists of key terms and phrases identifying Data as Sensitive Information subject to protection by sequestration, auditing Data within and without sequestration protection to ensure appropriate Data is being identified and sequestered, and implementing new technological methods as may be appropriate for more effective and efficient technological safeguarding.

2. Special Considerations for Substance Abuse Information

Participants and Authorized Users shall not provide the BHIE with Substance Abuse Treatment Information unless the Participant or Authorized User obtains a patient consent that specifically authorizes disclosure of Substance Abuse Treatment Information to the BHIE and otherwise complies with the requirements of 42 CFR Part 2.

3. Special Considerations for Mental Health Treatment Information

Participants and Authorized users shall not provide the BHIE with Mental Health Treatment Information unless the Participant or Authorized User obtains a patient consent that is consistent with New Jersey State Law.

4. Special Consideration for Minor Information

Minor Information will be included in the BHIE; however, Authorized Users will receive training and reminders regarding the special considerations on disclosure of Minor Information, particularly to parents or guardians.

5. Special Considerations for Genetic Information

All Participants shall take measures to prevent the ability of the BHIE to pull the laboratory test reports of the genetic tests listed on Exhibit A.

6. Restrictions Requested by Patient

A patient restriction that is approved by a Participant and impacts or limits the access or use of such information by Authorized Users shall not be sent to the BHIE.

7. Auditing for Compliance.

- a. The BHIE shall develop processes and procedures for auditing Participant and Authorized User compliance with this BHIE Policy and the identified categories of Sensitive Information subject to State and/or federal law.
- b. Participants and Authorized Users shall submit to and cooperate with such auditing as may be performed by BHIE, including providing documentation of Patient consent and other authorizations where required.

DOCUMENTATION: NA

INFECTION CONTROL: NA

SAFETY: NA

SECURITY OVERSIGHT GROUP (SOG) Approve for Release:

REFERENCES:

ORIGINAL DATE: 6/18/2015

REVIEWED DATE(S):

REVISED DATE(S):

EXHIBIT A
GENETIC TESTS

Hiv Geno/Phenotype	45182-3
HIV 1 DNA PCR Qualitative	44871-2
HIV 1 P24 Antigen	18396-2
HIV 1 RNA PCR Quantitative	23876-6
HIV 1/2 Combo	42768-2
HIV Antibody 1/2	5223-3
HIV Antibody by Western Blot	31201-7
HIV Genotype	49660-4
HIV Phenotype Comprehensive	49665-3
HIV Rapid	49580-4
HIV-1 Integrase Genotype	61199-6A
HIV-1 RNA,QL TMA	5017-9
HIV-1 RNA,QN BDNA	59419-2
HIV1/HIV2 Ab Differentiation	49965-7
HIV1/HIV2 Antibody Differentiation	
Chromosome Analysis Amnio Fluid	62351-2
Chromosome Analysis Blood	62348-8
Chromosome Analysis Body Fluid	59050-5
Chromosome Analysis Bone Marrow	50659-2
Chromosome Analysis Chorionic Villi	62350-4
Chromosome Analysis Leukemic Blood	62348-8A
Chromosome Analysis Lymph Node	59050-5LN

Information Subject to Special Protection

Policy # HIE 10

Chromosome Analysis POC	62352-0
Chromosome Analysis Tissue	62355-3
Chromosome Analysis Amniotic Fluid Report	62351-2R
Chromosome Analysis Blood Report	62348-8R
Chromosome Analysis Body Fluid Report	59050-5R
Chromosome Analysis Bone Marrow Report	50659-2R
Chromosome Analysis Chorionic Villi Rpt	62350-4R
Chromosome Analysis Lymph Node Report	59050-5LNR
Chromosome Analysis POC Report	62352-0R
Chromosome Analysis Report	
Chromosome Analysis Tissue Report	62355-3R
Cytogenetics Consultation Report	
Cytogen Final Report	3107363
Cytogenetics & FISH Bld	21771-1
Cytogenetics & FISH Bone Marrow	50659-2A
HLX BCR ABL FISH Cytogenetics	No alias in list
HLX Chromosomal Analysis Leukemic Blood	No alias in list
HLX Chromosome Analysis Amniotic Fluid	No alias in list
HLX Chromosome Analysis Blood	No alias in list
HLX Chromosome Analysis Body Fluids	No alias in list
HLX Chromosome Analysis Bone Marrow	No alias in list

Information Subject to Special Protection

Policy # HIE 10

HLX Chromosome Analysis Chorionic Villi	No alias in list
HLX Chromosome Analysis Lymph Node	No alias in list
HLX Chromosome Analysis POC	No alias in list
HLX Chromosome Analysis Tissue	No alias in list