

Kansas Department of Health and Environment

POLICIES AND PROCEDURES

P&P 04: Conditions of Participation

Date Approved: 09/12/2012
Date Reviewed: 03/01/2017
Date Updated: 05/09/2017

Purpose:

To identify the required conditions of participation in electronic health information exchange through an approved HIO.

Policy:

KDHE has established minimum requirements regarding the manner in which Participants shall conduct electronic health information exchange through an approved HIO ("Conditions"). An approved HIO shall:

- 1) establish procedures and conduct operations in a manner consistent with all Conditions;
- 2) incorporate into its Participation Agreement with every Participant the contractual duty to adhere to all applicable Conditions set forth below; and
- 3) make reasonable efforts to regularly monitor Participants' compliance with the Conditions and to take appropriate action in response to an identified violation of a Condition.

Conditions:

- 1) Minimum Data Set. An approved HIO shall require a Participant that is a health care provider to make available to the HIO the following information, except to the extent the Participant's EHR does not have the capability to provide one or more specific types of information to the approved HIO.
 - a) Full name of the source of the information and/or the person or entity submitting the information to the approved HIO
 - b) Patient demographic information as required for patient identification as specified by the approved HIO consistent with applicable EHR meaningful use requirements
 - c) Problem list
 - d) Medication list
 - e) Allergies
 - f) Diagnostic test results (radiology, clinical laboratory, pathology, microbiology, cardiology)
 - g) Immunizations
 - h) Procedures

- 2) Patient Notice and Restrictions on Access. A Participant shall comply fully with the applicable requirements of KDHE P&P 02, Patient Notice and Restrictions on Access, including, but not limited to, not disclosing or providing access to any PHI regarding an individual to an approved HIO prior to the individual's or his/her personal representative's receipt of the required notice.
- 3) Accessing PHI. A Participant shall not access PHI through an approved HIO except for purposes of treatment, payment, and health care operations consistent with HIPAA Privacy Rule requirements.
- 4) HIPAA Privacy and Security Rule Compliance. A Participant shall comply fully with all applicable requirements of the HIPAA Privacy and Security Rules as they relate to HIO participation and electronic health information exchange. A Participant shall make available its written policies and procedures and other HIPAA-related documents to the approved HIO upon request and shall respond in a timely and complete manner to the approved HIO's inquiries regarding the Participant's compliance with the HIPAA Privacy and Security Rules.
- 5) Quality and Public Health Reporting. To the extent an approved HIO is authorized by a Participant to prepare and/or submit quality, public health, and/or other reports to a local health department, the Kansas Department of Health and Environment, other government agencies, payers, and/or other third parties, the parties shall specify by written agreement the terms and conditions on which such reports shall be prepared and/or submitted by the approved HIO on the Participant's behalf. Such terms and conditions shall not impose a barrier on the receipt of mandatory reports by local, state, and federal agencies.
- 6) User Access and Training. A Participant shall comply fully with the applicable requirements of KDHE P&P 05, User Access, for individuals associated with a Participant to receive access to the approved HIO as a User (as defined by that policy), including adequate and appropriate resource materials for use in training Users in the responsible manner and correct purpose for accessing PHI through the approved HIO.
- 7) User Authentication. A Participant shall comply fully with the applicable requirements of KDHE P&P 06, User Authentication, for User identity authentication necessary to access an individual's PHI through the approved HIO.
- 8) Unauthorized Access. A Participant shall comply fully with the applicable requirements of KDHE P&P 07, Audit and Identification of Unauthorized Access, for identifying, reporting, and taking appropriate action in response to unauthorized access of PHI by a User or non-User.
- 9) Access, Amendment, and Requests for Restrictions. A Participant shall, upon request by an individual or his/her personal representative, provide access to PHI regarding the individual available to other participants through an approved HIO, as well as an opportunity for an individual or his/her personal representative to request an amendment to such PHI or to request restrictions on uses and disclosures of PHI to carry out treatment, payment, or health care operations. A Participant shall follow its established HIPAA Privacy Rule policies and procedures regarding access and opportunity to request amendment or restrictions on uses and disclosures with regard to such PHI.