

Title: Gateway Partner Policy – Emergency Treatment
Date: 11/26/2014
Policy No.: Florida HIE-TBA

Summary: This policy establishes parameters for health information exchange with Gateway Partners through the eHealth Exchange. The policy proposes to allow exchange for emergency treatment where consent to query is obtained or documentation is provided that consent could not be obtained from the patient or family. It describes the process for determining Gateway Partners and maintaining compliance with the policy.

Proposal: Health information exchange will be permitted with Gateway Partners through the eHealth Exchange exclusively for the treatment of emergency medical conditions as defined in the Emergency Medical Treatment and Labor Act (or defined as medical services rendered in the emergency department). Participating Florida HIE nodes will sign the eHealth Exchange addendum. The policy would apply to inbound and outbound requests.

The Florida HIE Gateway would only allow queries from or responses to requests from an approved Gateway Partner only. Each patient discovery query issued with a patient returned, whether or not a document is retrieved, is subject to a request from the releasing data source for documentation of patient consent/patient authorization or documentation consisting of a signed statement that it was not possible to obtain consent where the person and hospital authorizing access for the medical emergency would be identified.

The Gateway Partner must provide documentation by Direct Messaging to the responding node's privacy officer within 72 hours of receiving a request from a participating Florida HIE node specifying information sufficient to identify the query and patient for which documentation is sought. Similarly, the participating Florida HIE node must provide documentation by Direct Messaging to the responding Gateway Partner's privacy officer within 72 hours of receiving a request. Failure to comply or come into compliance with this policy would be cause for cessation of exchange.

The Gateway Partner approval process will begin with receipt of a Gateway Partner Readiness Questionnaire. As part of the Readiness Questionnaire, a copy of the patient consent form would be submitted and reviewed by the Florida HIE counsel. The consent form need not be identical to the Florida form but must provide for explicit consent of sensitive conditions (list sensitive conditions) and name the health care provider (physician or hospital) that is authorized by the patient to access their records.

Consideration of potential Gateway Partners would be brought to the PLU User Group meetings for discussion and approval. All PLU Participants could comment regarding their support of the Gateway Partner. Gateway Partners would be approved if there is a consensus of eHealth

Exchange Participants present. There might be a similar approval process required by the Gateway Partner which would be addressed if applicable.

Risks/costs: Florida HIE nodes must monitor for compliance as they determine appropriate and the Florida HIE must take action if a Gateway Partner fails to come into compliance.

Benefits: This policy allows for controlled exchange among willing participants consistent with the patient authorization policies of the Florida HIE. The policy enables health care providers to make use of the ability of PLU to discover patient records to support health care in a medical emergency.

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