

Policy on Use of De-Identified Data From VHIE

Definitions:

“De-identified” shall mean that all identifying information related to an individual as set forth in the HIPAA Privacy and Security Rule, 45 CFR Section 164.514 (b), are removed from the protected health information.

“Exchange” or “The Vermont Health Information Exchange” (“VHIE”) shall mean the health information exchange network operated by VITL.

A “Participating Health Care Organization” (“HCO”) means a health care provider, including any health care organization meeting the definition of a health care facility as defined in 18 VSA § 9402, who has executed an effective VHIE Data Services and Participation Agreement with VITL.

“Population Health Management” for the purposes of this policy shall mean an analytical approach to understanding the health needs, disparities and outcomes of a defined population.

“Protected Health Information” and the abbreviation “PHI” shall have the same meaning as the term “protected health information” in 45 C.F.R. § 160.103, limited to the individually identifiable health information created or received by a Business Associate from or on behalf of a Participating Health Care Organization. Such term shall also include Electronic Protected Health Information.

“Quality Review” for the purposes of this policy shall mean the review of PHI for the purpose of disease management, utilization review or quality assessment or improvement.

“Treatment” shall mean the provision, coordination, or management of health care and related services by one or more health care providers.

Policy

VITL may create De-Identified data from PHI on the Exchange for use only by Participating Health Care Organizations for purposes of Quality Review and/or Population Health Management, as outlined in the Vermont Health Information Exchange Services Agreement with Participating HCOs.

When De-Identified data is requested by a Participating Health Care Organization, the VITL leadership team will work to prepare the request for consideration by the Board of Directors. VITL’s Board of Directors shall maintain a set of criteria to be followed in reviewing each request. The Board of Directors shall review the request to ensure it is in compliance with the criteria and the VHIE Services Agreement, as well as State and

Federal regulations. In making its determination, the Board may consider any Institutional Review Board approval supporting the request. If approved, VITL shall prepare the De-Identified data requested and shall be reimbursed for its expenses by the requesting Participating Health Care Organization.

Before receiving the De-Identified data requested, the Participating Health Care Organization shall be required to provide contract assurances that (1) its use of the De-Identified data will be limited to Quality Review and Population Health Management, (2) no attempt shall be made to “identify” the De-Identified data, (3) it will not sell, license, or otherwise provide the data or derivative work to a third party, and (4) it will indemnify VITL from any liability resulting from the HCOs use of the De-identified data.

Policy Review

VITL will review this policy at least semi-annually.