

San Mateo County Health Information Exchange (HIE) FAQ

Updated 12/1/2021

This document provides information specific to FAQs from staff about SMC Connected Care, the HIE for SMC Health. In this FAQ, you will find information about:

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Additional Resources for Staff

LMS	To access the video for the QM Training about the HIE
QM Website	To access the PPT for the QM Training about the HIE
QM Consent Scripts	Sample Scripts for talking to clients about the limits of confidentiality (updated to include the HIE).
HS_BHRS_ASK_QM@smcgov.org	Got questions? Send them to Ask QM.

Additional Resources for Staff and Clients

SMC Connected Care Website	For General Info about the HIE from SMC Health
SMC Connected Care FAQ Website	SMC Health’s FAQ about the HIE

Accessing the HIE

1. How do we access the HIE?



SMC Connected Care
HIE - Prod

You should see this icon when you sign into the OKTA website.



ServiceNow

If you don't see it, then you may submit a ticket to ISD through the ServiceNow portal in OKTA.

2. Who has access to the HIE? Is the HIE accessible by providers outside of the SMC Health System?

Current treating health care providers do not need an ROI to share information. Therefore, all current providers participating in SMC Connected Care (the HIE for San Mateo County) would automatically have access to the client's information that is inputted from these Electronic Health Records (EHRs) into the HIE. At this time, participating divisions include the San Mateo Medical Center (SMMC), Public Health, Behavioral Health and Recovery Services (BHRS), Aging and Adult Services, Family Health Services, and the Mobile Clinic.

Currently, SMC Connected Care is primarily available to San Mateo County staff, however limited outside health care providers have access and additional health care providers may have access in the future.

3. What about past treatment providers, or if records are requested from a current treatment provider for a client who is a past BHRS client?

For past treatment providers, an ROI should be obtained. Be sure to discuss with the client the nature of the request and have them complete an ROI. Records may be sent to/from past providers outside of the SMC Health System via mail or fax. For those within the SMC Health System, some past records may be accessed through the HIE.

4. Is there somewhere that I can look to have a clearer idea of who has access to client records without client's consent?

Cheat sheet on sharing information: https://www.smchealth.org/sites/main/files/file-attachments/03.01attachgexchangeinfogrid3.13_1_0.pdf?1477430918

Those entities on the list who are marked as not needing consent to share information and are part of the SMC Health System will be able to access client information through SMC Connected Care without client consent as long as they are a participating division with SMC Connected Care (see answer to question 2).

HIPAA and the HIE

5. How does the HIE and expansion of electronic medical records change the rules around sharing of information?

All current treating providers (except 42 CFR part 2 providers) may share information with each other without the client's consent. This has always been the case since the inception of HIPAA.

The HIE does not change the rules that have been established through HIPAA. However, with the HIE it is now easier and much faster for providers to share information with each other. Previously, providers often did not know what other treatment providers the client was seeing unless the client provided that information. Now,

with the click of a few buttons, providers are able to access this information without needing to ask the client for the contact information of their other treating providers to obtain medical records.

6. I thought that no one could access a client's personal health information without the client's consent to share PHI, and that ALL access to their medical records was blocked from others' access?

No, that is not true. BHRS WILL NOT AGREE to a request to not communicate with other CURRENT PROVIDERS. This is very important. PLEASE DO NOT AGREE TO THIS. This is especially important for clients taking medications. This applies to MH ONLY (NOT AOD).

BHRS MH DOES NOT need client consent for:

- Mandated reporting - CPS, APS, threat of harm to others, public health. Applies to both AOD & MH.
- Allowable reporting - 5150s including calling police and/or family in some cases, illegal activity (such as theft) at a BHRS facility. Applies to both AOD & MH.
- Payment - Billing for services and other billing tasks. Applies to MH ONLY, NOT AOD.
- Operations - Management oversight, QM, audits, any support staff needed for operations or to provide services, run facilities, etc.). Applies to both AOD & MH.
- Mental Health Treatment - Any current treatment provider—PCP, Primary Care, AOD, MH and any other treatment providers, including their support staff—may share as needed, but may only share what is necessary for treatment.

BHRS MH & AOD DO NEED client consent to share with:

- Non-treatment agencies like SSI, Probation, Education,
- Friends or family members who are not the legal consenting person.

7. What if a MH client does not want another currently treating provider to know about their other treatment? (E.g., client is concerned that they will be stigmatized by a medical provider if the medical provider knows they have an underlying mental health or AOD diagnosis.)

You cannot agree to not sharing information with other medical providers. This may make the client uncomfortable, but it is considered best practice/best care to share information as needed.

This does not mean that you share everything. You may need to have a conversation with the client about what to share. The client can request a restriction, and may opt out of the HIE; however, the provider may still have Avatar access and will have access to many sources of information in other systems.

Mental Health Treatment: Current treatment providers—PCP, Primary Care, MH and any other treatment providers, including their support staff—may share as needed, but may only share what is necessary for treatment.

BHRS WILL NOT AGREE to a request to not communicate with other CURRENT PROVIDERS. This is very important. PLEASE DO NOT AGREE TO THIS. This is especially important for clients taking medications.

Information Available in the HIE

8. What information can be seen in the HIE?

In general, medications, lab results, appointment dates and provider names can be seen in the HIE. For a more detailed list of information available, please visit: <https://www.smchealth.org/post/faqs>.

9. Are the client's mental health progress notes accessible by non-mental health providers in the HIE?

At this time, mental health progress notes are not available in the HIE; however, this will be available in the HIE in the future. There is no definite date yet by when the mental health records will be made available in the HIE, but staff should be aware that this may be coming down the pipeline in the future.

10. Are we moving toward having a patient portal as well? Similar to how Kaiser, Stanford, etc. have patient portals?

Yes, the future of client access to care will be for clients to have access to their medical records via a patient portal. This is a state and federal requirement and is aimed at ensuring client's rights and providing clients more access to their records. Clients will be able to see their mental health progress notes, test results, etc. through their patient portal. It has not yet been determined how far back the records will be available in the patient portal, but BHRS staff will be notified of these details once they become clearer.

11. What about AOD information that is covered by 42 CFR? Is that also in the HIE?

AOD records covered by 42 CFR will not be able to be automatically viewed in the HIE; however, 42 CFR entities will be able to see mental health records from non-42 CFR entities. In a medical emergency, medical providers may "Break the Glass" to view information from 42 CFR records (please see question #12 for more information about *breaking the glass*).

"Breaking the Glass"

12. How does this system ensure that people only access the information as is necessary?

This is a combination of software safeguards ("Break the Glass" and electronic accounting of staff access to charts) as well as an expectation that staff will honor their ethical obligation to only access information as is medically/clinically necessary. Staff are also required to complete annual compliance trainings that detail in what circumstances staff may access and share client's protected health information.

What does it mean to "Break the Glass" in the HIE?

- a. *Break the Glass* means that a provider who did not have access to some client files in the HIE accessed the client's HIE records due to an emergency circumstance. (*Break the Glass* may only be used for a medical emergency by PCP/ER.)
- b. The HIE keeps a record of all access to the client's records and provides alerts to the administrator when an HIE chart is accessed using the *Break the Glass* feature. You should only access the HIE for clients on your caseload. If you need to access a client's chart (that is NOT on your caseload) through the HIE, please make sure that it meets *Break the Glass* requirements.

Does Avatar have a similar "Break the Glass" feature?

No, Avatar does not have an automated *Break the Glass* feature, though it does keep a record of who accesses clients' charts.

If you or the client is aware that a staff person should NOT have access to the client's record (e.g., client has a family member employed at BHRS), a request to block the chart must be submitted. Please use the "Staff Request to Block Chart" form found here: <https://www.smchealth.org/bhrs-policies/electronic-medical-record-security-and-electronic-signatures-17-01>

BHRS staff should only access the charts of clients as necessary for treatment, billing, or operations.

Restricting Information and Opting Out of the HIE

13. Can we at least restrict the type of information we provide to other providers?

The client has the right to request a restriction or limitation of the behavioral health information we use or disclose about their treatment. HOWEVER, BHRS is not required to agree to the request to limit sharing with other providers or for payment.

BHRS will agree to restrictions regarding sharing with family and friends, and with non-treatment agencies (e.g., educational partners or Probation).

Client must make the request in writing. BHRS Request Restrictions form can be found here: <https://www.smchealth.org/bhrs-doc/restrictions-use-or-disclosure-protected-health-information-phi-client-request-03-08>

EHR	Can Sharing Be Limited?
Avatar	BHRS will block a current Avatar user from their chart, the chart of a family member, or friend, from the site that they work at if they are also a client, upon request. Staff Request to Block Chart
eCW - "eClinical Works"/Sorian	Can we ask SMMC to not include the PHI that we share with them in their progress notes, etc.? No, that is not appropriate. When we share information with providers, they may include this in their charts/progress notes.
HPSM	This information is shared for all clients; there is no way to block this sharing.
CURES	There is no way to block this sharing.
SMC Connected Care - HIE (Health Information Exchange)	The client may request to "opt out". Opt Out Form
DHCS/Medicare/Private Insurance/other Payors	The client may not agree to billing private insurance by not signing the Assignment of Benefits. (However, this may mean that we cannot serve the client.) Information is still shared with DHCS.

14. Does the client have the option to not have their information in the HIE?

Yes, the client may opt out of having their records in the HIE by submitting an Opt Out form. However, it is important that the client understand that opting out of the HIE does NOT mean that the client is able to prohibit other treatment providers from accessing their medical records. Current providers can still obtain medical records through other means without client consent. It just means that they won't be able to access the records through the HIE.

It is important to note to your client that opting out using this form is specific to the San Mateo County HIE. If the client receives services from outside providers that participate in a different HIE and wants to opt out of those HIEs, they will need to contact each provider individually for their organization-specific HIE opt out forms.

SMC Connected Care Opt Out Form

https://www.smchealth.org/sites/main/files-smc_connected_care_opt_out_form_2.pdf

SMC Connected Care Opt (Back) In Form (for use if client opted out, but later changed their mind and want to their records back in the HIE):

https://www.smchealth.org/sites/main/files/smcc_connected_care_opt_in_form_1.pdf

Informing Clients about the HIE

15. How are clients informed about the HIE? Who is responsible for this?

Informing clients about the HIE should be a part of the informed consent process you have with the client when they start services. This informed consent process includes:

- Explaining that the treatment team has a circle of support staff that we share information with, to allow for the best care possible. These are trusted people that must protect the information about clients shared with them and are required to follow all the same rules regarding PHI as clinical staff.
- The process of explaining the limitations and advantages of our services, and sharing of information, is informed consent. Don't over-promise. We will not limit needed sharing for billing, operations, mandates, and current treatment. It is not appropriate to agree to NOT share information with prescribers. This is not in the best interest of clients.
- Current treating health care providers do not need an ROI to share information. All current providers with access to the HIE would automatically have access to the client's information that is inputted from these EHRs into the HIE.

Best practice is to inform your client of if/when you are in contact with other treatment providers about your client's care and to ensure that the individual requesting information is who they say they are.

16. Is there a script available for staff to use that can help them explain the HIE to clients?

The current script is located at <https://www.smchealth.org/sites/main/files/file-attachments/consentscripts2021.pdf?1637773945>

17. Is there a website I can send to clients with information about the HIE?

For more information about San Mateo County's HIE, clients can visit:

<https://www.smchealth.org/connectedcare>

Clients can also access SMC Health's FAQ about the HIE here: <https://www.smchealth.org/post/faqs>