

TITLE: Notification of Privacy Practices

Category: Governance

Original Effective Date:
11-16-07

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General Requirements

Each Participant must have established internal privacy and security policies & procedures that effectively manage access to, and the appropriate use of, Protected Health Information. Each Participant must ensure that its internal policies apply, or are updated to apply, to access to the ACCEL system and use of ACCEL services. Participants shall obtain prior written approval from the Steering Committee before permitting a business associate (other than the Authorized Users or ACCEL itself), as defined in 45 CFR 160.103, to access the ACCEL system or to obtain data from the ACCEL system.

Notice to Patients regarding ACCEL

ACCEL shall honor and facilitate certain rights provided by Participants to their patients whose information is shared through ACCEL. As detailed in this policy, Participants shall implement appropriate procedures to (1) inform patients of ACCEL, and (2) allow patients to submit a request to not share information with or through ACCEL (i.e. Opt-out).

All Participants who are both care providers and Data Providers are required to notify their patients of ACCEL and what it does in a reasonable and appropriate manner.

ACCEL strongly advises care provider and Data Providers to add explanatory text regarding ACCEL to their Notice of Privacy Practices (NPP). A short statement is suitable for inclusion in the NPP is attached hereto as Exhibit 1.A. ACCEL has created and recommends distribution of the ACCEL 'Fact Sheet' to patients or beneficiaries. The Fact Sheet explains the purpose of ACCEL. It outlines that patient information will be primarily used for access to care and treatment purposes, and lists those agencies currently involved in ACCEL. The Fact Sheet is attached hereto as Exhibit 1.B. An Opt-out form for use with patients choosing not to participate in ACCEL is attached hereto as Exhibit 1.C.

Opt-out Requirements & Procedures

1. All Participants who are both care and Data Providers are required to provide a reasonable and appropriate mechanism for accepting a patient's request to not allow his or her information to be shared with ACCEL (i.e., to "opt out").
2. In addition, these Participants must put in place a procedure for notifying ACCEL of such an election. Participants shall decide internally how this procedure shall be addressed and shall notify ACCEL in writing (which may be electronic) of such decision.

3. A Participant shall not withhold coverage or care from an individual on the basis of that individual's choice not to have information about him or her accessible through the ACCEL System. *Participants shall decide how this is addressed at their agency.*
4. In addition, each Participant retains the authority to decide whether and when to obtain individual patient consent prior to making information available through ACCEL.
5. A patient's opt-out or future change of status applies to the specific Participant's vault. Each Participant shall develop with ACCEL and maintain an internal policy and procedure addressing its "opt-out process" and shall provide such policy and procedure, as may be amended periodically, to ACCEL.
6. Each Participant shall document and maintain documentation of all patients' decisions not to have information about them accessible through ACCEL.
7. In addition, each Participant shall develop a procedure allowing a patient to rescind a previous request to opt out. Such procedure shall include provisions ensuring notification to ACCEL of such change request.
8. Each Participant will determine what data will be submitted through ACCEL after a status change. No data previously submitted to ACCEL will be deleted from ACCEL. If an individual's information has previously been submitted to ACCEL such information will no longer be accessible to other Participants following the election to opt out (unless the individual later elects to opt back in).
9. Participant referrals to the ACCEL Care Pathways program shall include only patients who have not Opted-out.