

Additional FAQs Questions: Part 2 data in Rochester RHIO Explore

Last updated: April 5, 2019

Q: Will the SAM lab results come through the results delivery service?

A: Part 2 Data for MyResults Delivered is not part of this preliminary implementation, and will not go through results delivery by 3/31/19. However, Part 2 lab results will be found in RHIO Explore under the Summary tab in the Laboratories box, and, potentially, other parts of the patient record like C-CDAs found the Repository. If you are interested in learning more, contact your Regional Account Manager.

Q: For Part 2 data sharing, do we need to use a special form, or can we use a standard records release form if a patient transfers to a different provider?

A: Usually, this is a separate form. Part 2 refers to its form as an explicit “written authorization” from the patient. The elements for this can be found in the SAMHSA 42CFR 2.31 regulation, but Rochester RHIO recommends checking in with your leadership team or compliance officer to see if you have a Part 2 data handling process in place, and to ensure you are utilizing the correct paperwork for Part 2 data sharing.

Q: What does universal consent have to do with this process?

A: As of today, nothing. There is a universal consent form circulating through New York State that is being reviewed. As far as we understand, that universal consent form has not been approved or finalized by the NYS Department of Health. If you have additional questions on this, contact your Regional Account Manager or Privacy Officer, Amy Warner.

Q: If you download Part 2 data from the RHIO into a patient’s chart, and down the road, someone else inadvertently releases that information to a separate provider, are you liable?

A: Our best practice recommendation is to not download Part 2 data from RHIO Explore. If you do this, ensure that you have a Part 2 data handling process in place at your organization. For further direction, discuss with your leadership team.

Q: If we write a note in the patient chart about the protected information in RHIO Explore, and the chart is copied and released to someone else, is your note releasing the information?

A: It depends. Sometimes that could be considered work product. We recommend you talk to your compliance officer for further clarification.

Q: How do you know that someone has given consent when we do not forward “Yes” consents?

A: RHIO consents and a written authorization of release for Part 2 data are two completely separate forms. You should know if a patient has provided a Yes or No for RHIO consent because an authorized user records that in Explore. But again, that is different from a written authorization for the release of Part 2 data to another provider.

Q: How do you know if you are a single HIPAA-covered entity?

A: It’s probably the same organization that you’re currently consenting under using the Rochester RHIO Explore service. You can discuss with your leadership team. You can also call the RHIO Support team, or talk to your Regional Account Manager.

Q: May I use the OCA official form No. 960 approved by the NYS DOH for Rochester RHIO consent for Part 2 data sharing?

A: For Rochester RHIO consent, we only recommend using the 5055 form, or one of the standard consent forms provided by Rochester RHIO. Both have been approved by NYS DOH through our organization. Please keep in mind that for Part 2 data sharing, it is important to use a separate written authorization form that is compliant with the SAMHSA 42 CFR Part 2 regulations.

Q: Will Part 2 materials be translated into Spanish?

A: The Part 2 Patient Information Card is in the process of being translated and printed. To request a translation of a different item, or a different language, call our Support Center at 1-877-865-7446 (RHIO).

Q: Where do we get a copy of the suggested way to present the change?

A: When asking patients to sign a RHIO consent form, you can use a suggested patient consent script as a guideline. You can also go to: rochesterrhio.org/samhsa for more background information.

Q: Please go over again the re-disclosure of Part 2 data. If we have Rochester RHIO consent, can we share what we find on RHIO verbally—like a hospitalization?

A: Part 2 data may not be re-disclosed to separate HIPAA-covered entity without obtaining a written authorization from the patient to re-disclose that Part 2 data. If you are referring to other patient health information from RHIO, but it does NOT contain Part 2 data, then you would proceed as you would following normal PHI handling procedures, which includes the minimum necessary for the best treatment on behalf of the patient.

and Drugscan all display under the Lab section with a “SAM” suffix. If RHIO is not yet connected to the lab processing your urine toxicology screen, then the data would not display in RHIO Explore.

Q: How does this impact Public Health Users? Will there be access to Part 2 data for those users? Typically public health law allows us to access the information without patient consent due to the public health laws.

A: There is minimal impact to RHO’s Public Health users with these changes. Public Health users will not be able to view Part 2 data as part of their routine RHIO Explore access because data sharing requires a Rochester RHIO patient consent form.

Q: Did you say that we needed a separate consent signed for the SAMHSA information, or just RHIO consent?

A: RHIO Explore access is gated by a signed RHIO patient consent form. So, yes you need a signed RHIO consent form to view any patient data inside of RHIO’s clinical query portal (Explore). A written authorization form for Part 2 is required if you wanted to share, or re-disclose, Part 2 patient information to a separate HIPAA-covered entity.

Q: If a person goes to the Emergency Room for an overdose, will that be Part 2 data?

A: No. If a person receives treatment in an Emergency Room, then that is not considered a Part 2 service. However, for example, if a person is seen in the emergency room, and then is admitted to an inpatient chemical dependency unit (that is federally-assisted), and receives treatment there, then that may be considered Part 2 data. Another example, a person could also been seen by a Part 2 physician at a clinic, and those services could also be considered Part 2 data.

Q: If a referral is made without Part 2 data, then the written authorization does not apply? Correct?

A: Yes, that’s correct. If the data you are handling does not contain Part 2 information, then there’s no need for a patient to sign a written authorization form for Part 2 re-disclosure.