HealthInfoNet Communications Guide

Informing Staff & Clients about your Organization's Participation in HealthInfoNet

(Includes Communication Templates and Guidance to Comply with Maine State Law)

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Communications Guide
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Please Note*:* HealthInfoNet Materials available in this guide can also be found in the **Communications Package zip file** located in the "Resources Section/Communication Tools" of the HealthInfonet Website at **http://hinfonet.org/resources/)**

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Communications Guide:

Informing Staff & Clients about
Your Organization's Participation in HealthInfoNet

> **Intended Audience:** 1) Behavioral Health Leadership team responsible for communicating organizational information to staff and clients. 2) Behavioral Health Leadership team responsible for quality and privacy.
> **Purpose:** To provide Communication Templates to ensure compliance with state regulations and to provide legal background/documents about Maine State Laws

Congratulations! Welcome to the Health Information Exchange (HIE).

State law requires participating behavioral health organizations to provide education and training about HealthInfoNet to staff and patients in preparation for connection to the Health Information Exchange (HIE). The purpose for this Guide is to provide the communication tools you need to educate staff and clients about your organization's participation in HealthInfoNet.

> **Acronyms Key**
>
> HIN: HealthInfoNet
>
> HIE: Health Information Exchange
>
> EHR: Electronic Health Record

Each communications tool referenced (i.e., email, newsletter article, announcement, talking points) can also be found in our Communications Package available on our website. You can also visit our YouTube page where we have several videos to help you with your implementation.

You will want to ensure your staff understands health information exchange in the state of Maine and is ready to educate clients about the HIE before you begin your patient education process. **Please keep in mind that this guide DOES NOT provide information to help you comply with your legal requirement to provide Consent options to your clients**. Please see our **"Education Guide on Consent Training Tools for Behavioral Health Staff"** for guidance on how to educate your clients about HIE and their consent options to participate in HealthInfoNet.

We hope this guide simplifies the roll-out of communications about HealthInfoNet to your patients and staff while helping you to comply with state regulations.

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A Summary of the Communications Guide

HealthInfoNet Communication Materials

The following documents can be used to educate your staff and patients about HealthInfoNet and your participation in the Health Information Exchange:

- **HealthInfoNet Overview:** This can be used to educate your staff about HealthInfoNet and the legal requirements described below.
- **HIN Patient Letter Newsletter:** This can be used as a template for a letter to patients and/or a patient newsletter
- **Announcement Materials:** Use these materials when your organization is in the process of connecting to the HIE
    - **HIN All Employee Email Announcement:** This email should go out to all staff after the initial kick-off meeting.
    - **HIN All Employee Newsletter Article:** This is similar to the email above, but is written for an employee newsletter to be released around the same time.
    - **HIN Talking Points Announcement:** This document should be provided along with any communication to all staff.

Legal Materials:

This section includes information regarding the Maine State laws associated with the state-designated Health Information Exchange (HIE). ***Please run the following by your own legal counsel to ensure compliance with the law, and adjust the Notice of Privacy language as needed.***

- **HealthInfoNet in Maine Statute:** This document summarizes two public laws passed in 2011 that define requirements for patient education. This document also includes the areas of statute modified by these laws.
- **PL 2011, c. 373**
- **PL 2011, c. 347**
- **HIN Notice of Privacy Language:** This is draft language to insert into your Notice of Privacy Practices document. Please run this by your legal counsel.

If you have questions about this package, please contact Allison Kenty, Communications Director at HealthInfoNet. 207-541-4102 or akenty@hinfonet.org.

HealthInfoNet

Part 1:

Communications Materials

HealthInfoNet

Communicating to Staff & Clients about HealthInfoNet
Task #1

Announcement Email to Inform Employees of your Plan to Connect to the HIE

Tool: Use the following email as a template to announce your organization's plan to connect to the HIE and attach the "talking points" for a complete message ("talking points" on next page). *Can also be sent to Board Member, volunteers, etc.*

Dear Colleagues,

I'm delighted to share with you news about an exciting new partnership that will help us to further enhance the quality of care we offer our patients.

We are now working to connect with Maine's statewide health information exchange. HealthInfoNet is the independent, Maine-based nonprofit organization operating the health information exchange. The health information exchange is a secure computer system that will help us share important patient health information like drug allergies, prescriptions, diagnoses, and lab and test results with other health care providers across the State.

HealthInfoNet's secure system links information from separate health care sites to create a single electronic patient health record. Having access to this system will give our clinical staff the information they need to make the best decisions possible when treating our patients.

While we believe the use of systems like HealthInfoNet will improve patient care, patients can choose to opt-out and have their medical information removed from HealthInfoNet. To educate our patients about this option along with general information about our use of the exchange, we will be updating our Notice of Privacy Practices and conducting a patient awareness campaign.

To assist our employees in speaking about HealthInfoNet with patients, friends, family and the community at large, we have put together the attached talking points. For our employees and clinicians with direct contact with patients, we will provide additional resources to help educate patients about HealthInfoNet. There will be more information on those opportunities to come.

If you have any questions about this exciting partnership, don't hesitate to contact [desired contact]. I look forward to continuing to expand and enhance the quality services we offer our patients and community.

Sincerely, [CEO]

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Attach the following "Talking Points" to the Email

HealthInfoNet Talking Points

(These talking points are provided to assist staff when speaking about HealthInfoNet.)

- **HealthInfoNet provides a secure statewide computer system**, called a health information exchange, for doctors and other health care providers in Maine to share important patient health information and improve patient care.

- **HealthInfoNet is a Maine-based, independent, nonprofit organization** and is not owned by insurance companies, health care providers or government.

- **Having access to HealthInfoNet helps us work more closely with other providers**, make better care decisions, and reduce the chance of medical errors. This is especially important in emergency situations.

- **We are currently working to connect our electronic health record** to HealthInfoNet's system, and anticipate to go-live in **[month of anticipated go-live].**

- **Patients have several choices for sharing their health care information** with providers using HealthInfoNet, including opting out and removing their information.

- **For more information, visit HealthInfoNet's website** at www.hinfonet.org.

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Communicating to Staff & Clients about HealthInfoNet
Task #2

Employee Newsletter or Intranet Article

We also recommended that you include an article about HealthInfoNet through your company's intranet or company newsletter at the same time that you send your email announcement. As there are some differences between a newsletter article and an email to staff, we've provided the following tool to help you meet this task:

Task: **Include an announcement or article about HealthInfoNet in employee newsletter and/or company intranet. This is similar to the email above, but is written for an employee newsletter to be released around the same time.**

Tool: (see following page for company newsletter or intranet article)

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Company Newsletter or IntraNet Article:

Organization] *to Partner with HealthInfoNet to Improve Care for Patients*

[Organization] *is always looking for new ways to improve patient care quality. That's why, we're working to connect with Maine's statewide health information exchange.*

HealthInfoNet is the independent, Maine-based nonprofit organization operating the health information exchange. The health information exchange is a secure computer system that will help us share important patient health information like drug allergies, prescriptions, diagnoses and lab and test results with other health care providers across the State.

HealthInfoNet's secure system links information from separate health care sites to create a single electronic patient health record. Having access to this system will give our clinical staff more of the information they need to make the best decisions possible when treating our patients, especially in emergency situations when waiting for a fax or email is often out of the question.

Don't we already share a patient's information with providers caring for them? Yes we do. However, often when that provider is outside of our organization sharing is done manually through fax, email or mail. HealthInfoNet automates that process for us and provides instant access to our patients' medical information from their other providers when we need it to care for them.

While we believe the use of systems like HealthInfoNet will improve patient care, patients can choose to opt-out and have their medical information removed from HealthInfoNet. To educate our patients about this option along with general information about our use of HealthInfoNet, we will be updating our Notice of Privacy Practices and conducting a patient awareness campaign.

To assist our employees in speaking about HealthInfoNet with patients, friends, family and the community at large, we have put together a list of talking points [located on our intranet, available from, pasted below, etc….]. For employees and clinicians with direct contact with patients, we will provide additional training and resources to help educate patients about HealthInfoNet. There will be more information on those opportunities to come.

If you have any questions about this exciting partnership, don't hesitate to contact [desired contact] or visit www.hinfonet.org.

Communicating to Staff & Clients about HealthInfoNet
Task # 3

Notice of Privacy Practices Language about HealthInfoNet

You will need to update your Notice of Privacy Practices (NPP) in compliance with the HIPAA Privacy Rule by adding new or adapted HealthInfoNet language as appropriate. In this section, we provide a tool to help you create an updated NPP that informs your clients and patients of your organization's participation in HealthInfoNet.

Task: **Revise all Notice of Privacy documents** by adding new or adapted HIN language as appropriate. *(RE: HIN Notice of Privacy Language: **This is draft language to insert into your Notice of Privacy Practices notice.) Please run this by your legal counsel***.

Tool: **Notice of Privacy Practices Language about HealthInfoNet**
Instructions: HealthInfoNet offers participants in the health information exchange the following sample disclosure to include in their Notice of Privacy Practices. This is not intended to substitute for legal advice and participants should consult with their own counsel. If you have any questions, please contact Allison Kenty, akenty@hinfonet.org.

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*We participate in HealthInfoNet, the statewide health information exchange (HIE) designated by the State of Maine. The HIE is a secure computer system for health care providers to share your important health information to support treatment and continuity of care. For example, if you are admitted to a health care facility not affiliated with **[organization]**, health care providers there will be able to see important health information held in our electronic medical record systems.*

*Your record in the HIE includes prescriptions, lab and test results, imaging reports, conditions, diagnoses or health problems. To ensure your health information is entered into the correct record, also included are your full name and birth date. **[Some providers include social security numbers in the feed to HealthInfoNet. Please add "and social security number" to preceding sentence if this is the case.]** All information contained in the HIE is kept private and used in accordance with applicable state and federal laws and regulations. The information is accessible to participating providers to support treatment and healthcare operations.*

You do not have to participate in the HIE to receive care. For more information about HealthInfoNet and your choices regarding participation, visit www.hinfonet.org or call toll-free 1-866-592-4352.

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Communicating to Staff & Clients about HealthInfoNet
Task #s 4 - 7

Operational Tasks

These tasks are operational tasks and don't have communications tools attached to them. To help you formulate your plan to meet these tasks, we encourage you to look at the established procedures your organization follows when you need to operationalize new requirements across all staff.

Task #4: Identify project champions to help roll-out the communications education

A best practice to accomplish change across an organization is to identify staff who can "lead the charge" for change, and a best practice to roll-out the communications education is to identify what staff will best understand the benefits of HealthInfoNet and can present it positively to others.

You may find it helpful to align your communications champions with staff who will be Clinical Users on HealthInfoNet's portal and have access to patient information. You might also find communications champions among your staff that will serve your organization in other HealthInfoNet user roles such as Clerical, Auditor, Help Desk, or IS Support. Another consideration is to align your champions with staff who have assigned roles within your Behavioral Health Home, such as your nurse care manager, peer support specialist, licensed clinical social worker, and your health home coordinator.

Task #5: Train Managers on the Communications Material

One of the goals in implementing communications about HealthInfoNet across a healthcare organization is to give staff the tools to educate patients about HealthInfoNet.

One barrier to meeting this goal is when employees lack knowledge about HealthInfoNet, and aren't able to answer patient's questions or know who in the organization can address their concerns. To mitigate this risk, you'll want to educate your managers on the communications materials about HealthInfoNet and your internal processes for managing consent. Once your managers are trained, you can leverage your management team to provide correct information about HealthInfoNet, and about your organization's internal process to manage consent, to all employees in all departments.

Task #6: Determine policy/procedure for staff roles and responsibilities for performing patient/client education for General Medical Opt-Out and Mental Health/HIV Opt-in.

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You will need to provide education for General Medical Opt-Out and the choice to share Mental Health/HIV information to all patients when first implementing HealthInfoNet. After initial implementation, you will need to continue to provide education for **General Medical Opt-Out and Mental Health/HIV Opt-in** to new patients at point of initial contact. (Please refer to our **"Education Guide on Consent Training Tools for Behavioral Health Staff"** for more detailed guidance on how to talk with your clients about HealthInfoNet and their choices to participate.)

Use your organization's decision-making structure, such as leadership or management meetings, to determine how you will operationalize this requirement in your organization, including the workflow you will follow to get Opt-out forms to HealthInfoNet.

Task #7: **Determine how "consent at initial contact" will be tracked by the organization.**

Your organization is responsible to provide consent education at "initial contact," as stated in PL 2011 c. 373 and you'll need to establish a system to verify compliance. You may want to follow tracking mechanisms already in place for other privacy/consent activities. For example, one best practice is to include a "tracking check box," or a mechanism within the registration system, so staff always know whether patient consent education was performed or not. You might consider including the HIE consent education with other privacy/consent activities that you already track at point of initial contact.

Communicating to Staff & Clients about HealthInfoNet
Task # 8

All-Employee Email with "Talking Points"

To help with the challenge of educating your large organization on how to describe HealthInfoNet to your patients, we provide a template for an "all employee email" that includes talking points to give all staff the information they need to educate others. (For Staff who will be providing in-depth education to Clients, please refer to the **"Education Guide on Consent Training Tools for Behavioral Health Staff"** for specific guidance on how to talk to clients about HealthInfoNet)

Task: **Send out "all employee email" from the CEO (attach "Go Live Talking Points")**

Tool: **Go Live Employee Email to be sent by Senior Leader** *(Tool on following page)*

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All Employee-Email

Instructions: Attach "talking points" (see next page) to this email, and send this out at least a few weeks before "go live" so that employees have enough time with the talking points.

Dear Colleague,

[Organization name] *will be going live with HealthInfoNet (HIN) on* **[date]***. This means we will start sending patient data to HIN's secure computer system and our clinical staff will be using HIN to support caring for our patients. When we start using this system we need to ensure our patients are aware and understand the benefits of having their medical information included in HealthInfoNet, what is included in their HealthInfoNet record, and their ability to opt-out.*

To help our employees answer patient questions related to HIN, attached is a list of talking points. *Most important to remember is where patients can pick up an opt-out form and other materials about HealthInfoNet, and how to contact HealthInfoNet if we can't answer our patients' questions. The opt-out form and supporting materials are attached to this email. Patients may ask you about HealthInfoNet, so please have these materials handy.*

What do I do, if a patient asks me about HIN? *Use the talking points to tell them about the system. If they'd like more information, tell them to visit* www.hinfonet.org *or pick up the written materials available at* **[location]**.

Although we believe HealthInfoNet will benefit our patients, some may not want to participate. *Participation is voluntary and some patients will choose to opt-out. They can do this online at www.hinfonet.org or over the phone with HealthInfoNet. They can also complete a form that we will provide to all new and existing patients the first time they visit us after we connect to the system.*

If you have questions contact **[desired contact].**
Thank you,

[Leader]

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HealthInfoNet Talking Points

These talking points provide staff with high level information should clients speak with them about HealthInfoNet. Designated staff who educate clients about their specific consent options (such as registration and intake staff, clinical staff, case managers) should follow the script and guidance found in the **"Education Guide on Consent Training Tools for Behavioral Health Staff***" when speaking with patients about HealthInfoNet.*

Attach the following "Talking Points" to the All-Employee Email:

- **HealthInfoNet provides a secure statewide computer system** for doctors and other health care providers in Maine to share important patient health information and improve your care.

- **Having access to your HealthInfoNet record helps us** work more closely with your other providers, make better decisions about your care, and reduce the chance of medical errors. This is especially important in emergency situations.

- **Your HealthInfoNet record includes important information** like prescriptions, lab and test results, image reports, conditions, diagnoses or health problems.

- **We've always shared information with other providers when needed** to support patient care, but HealthInfoNet makes it easier, faster and more secure.

- **We are committed to safeguarding the privacy and security of our patients' information** and you can be assured we will continue to protect your information. We wouldn't be participating with HealthInfoNet if we didn't believe the system was secure.

- **You have several choices for sharing your health care information** with providers using HealthInfoNet.

- **For more information please contact [person or department in your organization],** visit www.hinfonet.org or pick up a detailed brochure at **[location where the materials are available in your facility].**

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Communicating to Staff & Clients about HealthInfoNet

Task # 9

Patient Letter

Some organizations send letters to patients regarding the organization's participation in HealthInfoNet. In this section, we've included a sample letter should you choose to use it.

Task (optional): Send patient letter and include updated NPP and HealthInfoNet brochure. *(Optional)*

(You can attach the Four-Page Folder *to your email if you choose to send a patient letter)*

Tool: Patient Letter from the Organization Executive or Clinical Lead – See following page for sample letter

Instructions: *Include the HIN informational brochure. Consider including your updated Notice of Privacy Practices as well.*

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Patient Letter

To Our Patients:

We are writing to share some exciting news about our participation in a statewide information-sharing system that will improve care for our patients. Please take a moment to read this letter and review the enclosed information.

This secure computer-based system is being used statewide and helps doctors and other health care providers share important patient health information to improve your care. It will help us more easily and quickly share your health information with other health care professionals caring for you. This can improve the safety and quality of your health care.

This system is available to us through our partnership with an independent nonprofit called HealthInfoNet. HealthInfoNet combines information from separate health care sites to create a single electronic patient health record. This record combines health information from all your participating health care providers and allows them to see it when caring for you. See the enclosed brochure for more details or visit www.hinfonet.org.

Your personal health information and privacy is very important to us. HealthInfoNet takes many precautions to keep your records secure, and your HealthInfoNet record can only be viewed by those involved in your care and wellness.

While we believe the use of system's like HealthInfoNet will improve the care you receive, you can choose to opt-out and have your medical information removed from HealthInfoNet. You can do this online at www.hinfonet.org or over the phone with HealthInfoNet. You can also complete a form at **[Include where they can get an "Opt-Out" form at your organization]** *the next time you visit us.*

(Include the following if you have included the NPP in the mailing) *Also as part of this new improvement, we have updated our Notice of Privacy Practices, which explains how we share information with others. This updated document is also enclosed for your records.*

(Mental Health, HIV and Primary Care providers may want to also include the following paragraph) *Some information related to mental health and HIV/AIDS treatment is only available in HealthInfoNet if you give permission or are in a medical emergency. Ask us how you can make this information available in HealthInfoNet at your next visit.*

If you have any questions, please call **[customer service at your organization]**. *You may also contact HealthInfoNet. Their information is included in the enclosed brochure.*

Sincerely, **[Organization Executive of Clinical Lead]**

Communicating to Staff & Clients about HealthInfoNet
Task #10

Patient Newsletter

Some organizations use patient newsletters to further educate their patients about HealthInfoNet. Should you choose to follow this optional step, you can use the letter on the previous page as a sample article for you to use.

Task (Optional): **Place article in patient newsletter about HIN**

Tool: Please see previous page *(same as letter used in Task #9)*

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Communicating to Staff & Clients about HealthInfoNet
Task # 11

Website Announcement

In this section, we provide an announcement for you to place on your website with online information about HealthInfoNet, including a link for patients who would like to opt-out.

Task: **Put up announcement on website with link(s) to patient material and/or pages on www.hinfonet.org**

Tool: **Announcement for your website with links to patient material and/or pages on www.hinfonet.org. Be sure to link to online opt-out form as well at** https://secure.hinfonet.org/PatientOptions/optout**.**

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We participate in HealthInfoNet, Maine's statewide health information exchange.

HealthInfoNet combines information from separate health care sites to create a single electronic patient health record. This allows approved health care providers to quickly access the information they need to make better decisions about their patients' care, especially in an emergency.

HealthInfoNet is a Maine-based nonprofit. Only medical professionals involved in your care have access to your record in HealthInfoNet.

To learn more please visit HealthInfoNet's website at www.hinfonet.org.

If you prefer not to have your information available to your healthcare providers using the health information exchange, you may opt-out online or by filling out this form and mailing it to HealthInfoNet.

Some information related to mental health and HIV/AIDS treatment is only available in HealthInfoNet if you give permission or are in a medical emergency. Click here to read more about how you can give permission for some or all of your health care providers to see this information.

Communicating to Staff & Clients about HealthInfoNet
Task # 12

Consent Forms

Implementing the communications process in your organization includes providing your staff with the needed forms and documents they need in order to give information about HealthInfoNet to your patients. **(Please refer to the **"Education Guide on Consent Training Tools for Behavioral Health Staff"** for staff guidance on how to talk to clients about HealthInfoNet)

Task: **Distribute patient materials to points of patient contact (i.e., registration, waiting rooms, billing etc....)**

Tools: **The Following forms are needed for initial client orientation to HealthInfoNet.**

Download these documents by clicking on live link below *(For additional forms, please refer to "Guide on Consent Training Tools for Behavioral Health Staff" and the Communications Package zip file found on the HIN website under Resources)*

1. Opt- Out Form
2. MH and HIV Consent Form
3. Four-Page Folder
4. HIN Poster Consumers
5. HIE Consent Options JPG

For more specific information about the Consent Forms and how to explain HIE options to clients, please refer to the **Education Guide on Consent Training Tools for Behavioral Health Staff.**

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Communicating to Staff & Clients about HealthInfoNet

Task # 13

Posters

Our Consumer Poster is planned for use in provider offices, clinics, other healthcare facilities, and media outlets, and the Provider Poster can be used in staff areas. The posters are intended to raise awareness about health information exchange and HealthInfoNet.

Task: Put up posters for providers and patients in sites

Tools: *(Click on links to download posters)*

HealthInfoNet Consumer Poster

This poster is for you to put up in your waiting rooms or anywhere else that patients may see it.

HealthInfoNet Provider Poster

This poster is for your staff and providers. It should be given to staff prior to training and/or put up in staff areas.

(Materials can also be found in the Appendix and the Communications Package zip file located in the "Resources Section/Communication Tools" of the HealthInfoNet Website at http://hinfonet.org/resources/)

Communicating to Staff & Clients about HealthInfoNet
Task # 14

Additional Consent Forms and Consumer Brochure

After all employees have been trained about HealthInfoNet, provide staff at initial points of contact (and other selected staff) with the necessary forms to meet state and federal requirements regarding health information exchange. For more specific information about the Consent Forms and how to explain HIE options to clients, please refer to the **Education Guide on Consent Training Tools for Behavioral Health Staff.**

Task: **Start distribution of new Notice of Privacy Practices and the "Share Mental Health/HIV" form and the "Opt-out" form at all points of registration.**

Tools: **Updated Notice of Privacy Practices, Form to Share Mental Health/HIV and Opt-out forms, Consent Forms to reverse previous decisions. CTRL+Click on links below to download information.**

1. Opt- Out Form (not include any medical information in the HIE)
2. Reversal of Opt-Out Form (to share medical information in the HIE)
3. MH and HIV Consent Form (have MH/HIV information available without "breaking the glass"
4. Revoke the MH and HIV Consent (have MH/HIV information be shielded from view and only available when provider "breaks the glass."
5. Four-Page Folder
6. HIN Poster Consumers
7. **HIE Consent Options JPG**

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Part 2
Legal Materials

HealthInfoNet

Maine State Laws and Health Information Exchange

In 2007, with input from stakeholders representing patients, providers, employers, payers, and government, HealthInfoNet adopted an opt-out consent policy for sharing physical health data in the health information exchange. HealthInfoNet manages the consent for consumers. Consumers have the ability to opt-out of sharing their clinical data with HealthInfoNet via online, on paper, or over the phone. When a consumer decides to opt-out, all their clinical data from every care location they have received care from is deleted. Consumers have the option to opt back in, however, their records will start from that day forward.

Until recently, information created by a licensed behavioral health provider or facility and HIV diagnosis and results of HIV tests could not be included in HealthInfoNet. In an effort to ensure equal rights and access among behavioral health consumers, a change in state law was made in 2011. 34-B MRSA 1207(1)(I) (previously known as LD 1331) allows mental health and HIV information to flow to HealthInfoNet and be managed through an opt-in consent method. Federal law, commonly referred to as "Part 2 regulations," continues to exclude information from federally funded substance abuse programs.

Health information exchange provides many benefits including better care coordination, fewer medical errors and improved patient safety, fewer duplicate tests and procedures, and quick access to a patient's health records during emergencies. Since 2004 Maine has been working on a number of initiatives to coordinate clinical information systems within the behavioral health and substance abuse provider community. With the emergence of new healthcare payment reform efforts through the State Innovation Model (SIM) Testing Grant and other initiatives, health care information technology (HIT) facilitated care coordination has taken on new priority across the health care delivery system and behavioral health is at the forefront. HealthInfoNet is committed to bridging the technological gap between behavioral and physical health care in Maine.

The Laws

22 MRSA 1711-C (18)

(PL 2011 c. 373: An Act to Ensure Patient Privacy and Control with Regard to HIEs)

22 MRSA 1711-C (18) requires healthcare providers and facilities participating in the state-designated HIE, operated by HealthInfoNet, to provide patients/clients with a form, provided by HealthInfoNet and approved by the Office of the State Coordinator for Health

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Information Technology, which includes information about the HIE and gives the patient an opportunity to decline to participate or "opt-out."

According to the law, participating providers and facilities must provide the opt-out form to new and existing patients "at point of initial contact" with the patient following the provider's connection to the HIE. "Initial contact" is undefined in the statute. However, most participating providers and facilities have either mailed the form or provided the form at the patient's next appointment after HIE connection to existing patients and provided the form in pre-registration mailings for new patients.

Patients should only fill out the form if they want to opt-out of sharing their information with the HIE. If a patient provides the signed opt-out form to the provider, the provider must sent the form to HealthInfoNet within two business days via mail or fax, or provide the patients with a no-cost option to send the form to HealthInfoNet directly. The law is enforced by the Maine Attorney General and if participating providers do not provide and/or send a signed opt-out form to HealthInfoNet, providers and facilities may face penalties up to $5,000 for failure to do so. In addition, individuals may bring civil suits for injunction and/or damages.

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34-B MRSA 1207(1)(I) and 5 MRSA 19203(11)
(PL 2011, c. 347 An Act to Increase Health care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy)

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PL 2011, c. 347 was voted into law by the Maine Legislation in 2011. The law allows for health record information from licensed behavioral health facility and/or a licensed behavioral health providers to flow to HealthInfoNet. Records can be sent to HealthInfoNet as long as there is a mechanism in place for the client to "opt-in" or consent for this information to be made available to all providers participating with HealthInfoNet. Consent can be obtained in one of two ways:

- Patients fill out a consent form and select whether to have their behavioral health, HIV or both types of information available to all providers participating with HealthInfoNet. This form in included in this Behavioral Health Implementation Guide and the communications package given to HIE participants.
- During a medical visit, the patient can give verbal permission for individual providers to access behavioral health, HIV/AIDS information or both for that visit only.

Under this law, HealthInfoNet can disclose behavioral health or HIV information only if the patient has provided consent as described above OR if a health care provider believes it is necessary to prevent:

- A serious threat to the health or safety of others as described in 45 Code of federal Regulations, Section 164.512(j)(2010)
- Or respond to imminent and serious harm to the health of the client

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Legal Documents
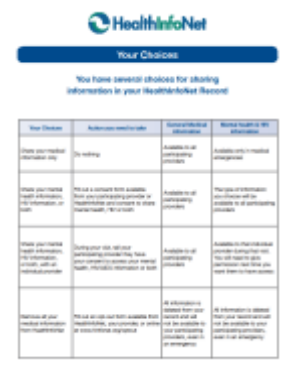
Title	Document
HealthInfoNet Notice of Privacy Practices *(sample)*	HIN_NPP_Language _current.doc
PL 2011, c. 347	PL 2011 Chapter 347.pdf
PL 2011, c.373	PL 2011 Chapter 373.pdf

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Part 3:

Appendix

The Appendix

File Description	Thumbnail Preview	File (CTRL+Click on PDF Icon to Open)
HealthInfoNet Opt-Out Form This is the form you must provide patients with upon initial contact with your facility after you go live with the HIE.		**PDF** **Opt-Out Form pdf.** (To **not** share general health information)
HealthInfoNet Opt-In Form This is the form you provide to patients who have previously chosen not to participate in HealthInfoNet, and now they have changed their minds and want to share their health information using HealthInfoNet.		**PDF** **Opt-In Form pdf.** *(To share general health information in the HIE, reversing a previous choice to "opt-out")*
HealthInfoNet Consent to Share Mental Health and HIV/AIDS Records This is the form you provide your patients if they choose to share their mental health and/or HIV information with their Health Care providers without needing to "break the glass". This form must be signed by a staff member at the provider organization.		**PDF** **Form to Share Mental Health/HIV Information pdf.** (To **share** Mental Health/HIV Information without "breaking the glass".)

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File Description	Thumbnail Preview	File (CTRL+Click on PDF Icon to Open)
HealthInfoNet Consent to stop sharing Mental Health and HIV/AIDs Records This is the form you provide your patients if they have previously signed a "HealthInfoNet Consent to Share Mental Health/HIV Records" Form, but they have now changed their minds and would like to revoke their previous consent.		**PDF** **Form to Stop Sharing Mental Health/HIV Information pdf.** *(Mental Health & HIV information will go into HIE, but it will be shielded from view unless provider "breaks the glass")*
HealthInfoNet Provider Poster This poster is for your staff and providers. It should be given to staff prior to training and/or put up in staff areas.		**PDF** **HealthInfoNet Provider Poster pdf.**
HealthInfoNet 4-Page Brochure This brochure can be printed and placed in patient waiting areas. This brochure document is in an 8.5" x 11" format, but there is an 11" x 17" format as well.		**PDF** **HealthInfoNet 4-Page Brochure pdf.**

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HealthInfoNet Consumer Poster (Adult) This poster is for you to put up in your waiting rooms or anywhere else that patients may see it.		**HealthInfoNet Poster (Adult) pdf.**
HealthInfoNet Consumer Poster (Child) This poster is for you to put up in your waiting rooms or anywhere else that patients may see it.		**HealthInfoNet Poster (Child) pdf.**
HIE Consent Options This can be used to quickly provide patients a summary of their options for consent and the actions they need to take. You may consider laminating this and having it at registration or including on your HealthInfoNet page on your website.		**Your Choices Chart pdf.**