

## **Opt-Out and Opt Back In Consent Process**

HIPAA and Maine State law permits providers to share information when necessary to support health care treatment. These laws also allow providers to share patient information with what HIPAA defines as “business associates”. As a “business associate” HealthInfoNet is required to protect the confidentiality, security and integrity of patient information in the same way as the providers themselves.

HealthInfoNet goes beyond HIPAA in that patients can choose not to have any of their medical information available in the HIE and can opt-out. When a patient opts out, their medical information is deleted from the HIE. Demographic information is retained to ensure no additional medical information is included.

There are three options for opting out: by mail, by phone or online. The quickest method of opting out is online.

1. Visit [www.hinfonyet.org/optout](http://www.hinfonyet.org/optout)
2. Fill out an opt-out form, available at a participating provider or from HealthInfoNet.

Maine State law requires participating providers inform every patient about the HIE and the patient’s ability to opt-out when they first visit that provider. HealthInfoNet instructs all participating providers to include information about HealthInfoNet and the ability for consumers to opt-out of the exchange in the Notice of Privacy Practices that every patient is provided and must acknowledge receipt of prior to receiving treatment. HealthInfoNet also gives all participating providers the opt-out form and additional educational materials to help providers educate patients about the HIE and consent options.

Patients can choose to participate again or opt back in. When they opt back in, their medical information is collected from the day the opt-in is processed forward. No past medical information will be available. There are two options for opting back in: online or over the phone.

1. Visit [www.hinfonyet.org/optin](http://www.hinfonyet.org/optin)
2. Call HealthInfoNet at 207-541-9250 or Toll Free at 866-592-4352

HealthInfoNet manages the opt-out/opt back in process centrally. Patients only have to make their consent decision once to cover information collected from all participating provider organizations.

## Mental Health and HIV Consent Process

Under HIPAA and Maine law, providers can legally share a patient's medical information with other providers also treating the patient. However there are additional protections placed on some mental health and HIV related information. For this information to be visible in the HIE, patients need to give their provider permission to see it. They do not have to give permission to anyone if they don't want to, and they can choose to make available mental health only, HIV only or both. The one exception to this is in a medical emergency, when the law allows providers to access this information to prevent harm to the patient or others during that emergency. To access the patient's information, the provider must record in the system that the patient has given consent and to what type of information.

Information covered by this consent process includes:

1. Information created by a licensed mental health facility or a licensed mental health provider like a counselor, psychiatrist or psychiatric hospitals.
2. HIV/AIDS diagnoses and results of HIV/AIDS lab tests.

Mental health and HIV information is only available in the HIE if the patient has NOT elected to opt-out. If the patient has opted out of participation in the HIE, none of their medical information will be available, even in an emergency.

Patients can consent for their providers to access this information in one of two ways.

1. They can fill out a consent form available from their participating provider or HealthInfoNet. This form is available for download at HealthInfoNet's [website](#). The patient's identity must be verified and the consent form witnessed and sent to HealthInfoNet by a staff member of a participating provider, in person by a HealthInfoNet staff member, or signed by a Notary Public using a separate form. Once the form is processed, a patient's mental health and/or HIV data will be available to all their participating providers.
  - Patients can revoke their previous consent using the same form. When they revoke their consent, information is hidden, but not deleted, and will still be available in emergency situations.
2. During their visit, the patient can give an individual user permission to access their mental health, HIV/AIDS information or both. This information will be available to that individual provider for that visit only. The patient will need to give permission each time they want this individual to have access in the future.