



CurrentCare Disclosure of Protected Health Information of a Minor Policy

BRIEF DEFINITION:

The Disclosure of Protected Health Information of a Minor Policy outlines the process of protection and/or disclosure of certain Protected Health Information (“PHI”) of a minor who has enrolled in CurrentCare. To determine whether certain types of information are protected, and therefore, cannot be disclosed without patient authorization, the Rhode Island Quality Institute (“RIQI”) will follow its Procedure for Disclosure of Sensitive Health Information of a Minor.

Pursuant to Rhode Island State law, the following health care information must be kept confidential when an unemancipated minor consents to his or her own care:

- Testing and treatment for HIV,
- Testing and treatment for reportable communicable diseases,
- Routine emergency or surgical care when 16 years old or married,
- Abortion
- Non-invasive, non-custodial substance abuse treatment, if consent is obtained through family court.

Federal regulations (Title X) provide that information as to the facts and circumstances relating to the receipt of family planning methods and services to adolescents are to be kept confidential.

Additionally, federal substance use disorder treatment confidentiality regulations state that if a minor acting alone has the legal capacity under state law to apply for and obtain substance use disorder treatment under 42 C.F.R. Part 2, any authorization for disclosure of Part 2 information of a Part 2 provider may be given only by the minor. If the minor cannot consent on his or her own, but requires the consent of a parent or authorized representative, any written authorization for disclosure must be given by *both* the minor and their parent or authorized representative.

BACKGROUND AND PURPOSE:

The Rhode Island Health Information Exchange Act of 2008 provides that a patient or his/her authorized representative has the right:

- To obtain a copy of his or her PHI from CurrentCare; and
- To obtain a copy of a disclosure report pertaining to his or her PHI.



42 C.F.R. Part 2 provides that a patient receiving substance use disorder treatment from a Part 2 provider may receive a list of providers to whom substance use disorder treatment records have been disclosed.

This policy sets for the underlying principles by which PHI of a minor will be disclosed from CurrentCare. The principles are to:

- Follow Federal and State law regarding disclosure;
- Respect doctor-patient confidentiality;
- Provide authorized health care providers with a complete patient record; and
- Enable and encourage all people, regardless of age, to participate in CurrentCare.

POLICY

1. For an enrolled individual **under the age of ten years old**, a parent or authorized representative may obtain a complete paper copy of the minor's record from CurrentCare, and/or access the minor's complete electronic record through the CC4Me patient portal by completing an electronic form on the CurrentCare website requesting such access, **however, on the minor's 10th birthday, the parents' or authorized representatives' access to the minor's paper record and/or CC4Me patient portal will be terminated.** The parent or authorized representative will receive notification of the pending termination upon the minor's 9th birthday and will receive another notification upon termination.
2. When enrolling an individual **between the ages of ten and eighteen years old**, the parent or authorized representative may obtain a paper copy of the minor's record, and/or an electronic copy (i.e. PDF format) of the minor's record by completing an electronic form on the CurrentCare website requesting such access; **however**, relating to HIV, communicable diseases, abortion, substance use disorder, or family planning for which the minor consented to treatment ("Sensitive Information") will be redacted in accordance with RIQI's Procedure for the Disclosure of Sensitive Health Information of a Minor. The parent or authorized representative will be notified that as the state designated Regional Health Information Organization, RIQI will only disclose such Sensitive Information to the minor's authorized health care providers, who will follow their established procedures regarding the disclosure of such information to the minor or the minor's parent or authorized representative. The notification that such information will not be release to a parent or authorized representative will be included on the CurrentCare Enrollment and Authorization Form.

A parent or authorized representative of a **legally incompetent minor between the ages of ten and eighteen** may obtain a complete paper copy of the minor's record from CurrentCare, and/or access the minor's complete electronic record through the CC4Me patient portal by providing RIQI with



documentation indicating that the minor is legally incompetent. RIQI will assess each request on a case-by-case basis, and permit a parent or authorized representative to receive a paper copy of the legally incompetent minor's record and/or access to the legally incompetent minor's CC4Me patient portal once the required documentation has been submitted and reviewed, and such request has been approved.

3. In addition to the information set forth in Paragraph 2 above, when enrolling an individual between the **ages of sixteen and eighteen years old, or a married minor**, the parent or authorized representative may obtain a paper copy of the minor's record, and/or an electronic copy (i.e. PDF format) of the minor's record by completing an electronic form on the CurrentCare website requesting such access; **however**, information relating to routine emergency or surgical care for which the minor consented to the treatment ("Sensitive Information") will be redacted in accordance with RIQI's Procedure for the Disclosure of Sensitive Health Information of a Minor. The parent or authorized representative will be notified that RIQI will disclose such Sensitive Information only to the minor or the minor's authorized health care providers. The notification that such information will not be released to a parent or authorized representative will be included on the CurrentCare Enrollment and Authorization Form.
4. When an enrolled minor **reaches the ages of majority (eighteen years of age)**, a parent or authorized representative may no longer receive paper or electronic access to the individual's CurrentCare record pursuant to the above, except if the enrolled minor who reaches the age of majority is legally incompetent. A parent or authorized representative may only receive paper and/or electronic access to the individual's CurrentCare record pursuant to an authorization form completed by the individual and/or pursuant to a CurrentCare Proxy Access Authorization form.
5. When a parent or authorized representative of a minor between the ages of ten and eighteen requests paper or electronic disclosure of that minor's record from CurrentCare, RIQI will not disclose the following information to the parent or authorized representative nor notify the parent or authorized representative that RIQI has withheld any information from the disclosure:
 - Testing and treatment for HIV,
 - Testing and treatment for reportable communicable diseases,
 - Routine emergency or surgical care when 16 years of age or older or married,
 - Abortion
 - Non-invasive, non-custodial substance abuse treatment, if treatment is obtained through family court,
 - Family planning services.



- Substance use disorder treatment

To the extent possible, the disclosed information will not suggest that data has been withheld.

6. Where applicable, in determining what data to disclose in accordance with this policy and law, RIQI will consult a health care professional who is qualified to make the determination of which information to disclose to the parent or authorized representative. Whenever feasible, the primary professional as identified in the medical record by RIQI will be consulted before disclosing the information.

7. RIQI will maintain a copy of the disclosed information in accordance with law.

Version	Effective Date	Statement of Change
01	See signature date below	Original document
02	May 2017	Revisions permitting parents or authorized representatives to have certain access to a minor's records

Ver. 1. _____
 Manager/Director Date