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## **Policy #15**

### **CurrentCare Emergency Temporary Authorization Policy**

#### ***Purpose***

The CurrentCare Emergency Temporary Authorization Policy describes the set of rules and responsibilities regarding how healthcare practitioners who are authenticated users of CurrentCare may acquire temporary authorization to patient health information through CurrentCare, when access is necessary for treatment. This Emergency Temporary Authorization Policy provides a mechanism to allow individual healthcare practitioners access to a patient's health information in CurrentCare in an emergency or other unanticipated event when they are not specifically authorized to access the information by the patient on the enrollment form.

#### ***Scope***

This policy applies to all Rhode Island Quality Institute ("RIQI") staff members and all authorized CurrentCare users. RIQI staff members include all employees, volunteers, vendors, subcontractors, and business associates of RIQI.

#### ***Policy Statement***

##### Background and Purpose

The CurrentCare Emergency Temporary Authorization Policy is a practical extension of the CurrentCare Enrollment Policy which allows patients the choice to enroll in CurrentCare and to specify who has access to their health information through CurrentCare. Further, the goal of the policy is to outline the specific details of the "minimum authorization" provision of the CurrentCare Enrollment Policy which allows patients, at a minimum to authorize healthcare providers that may care for them in emergencies or other unscheduled events to access their health information through CurrentCare on a temporary basis. The purpose of the Temporary Authorization Policy is to guide appropriate use of temporary authorization privileges and clarify actions to be taken by patients, practitioners, and the state designated Regional Health Information Organization, the Rhode Island Quality Institute (RIQI), once temporary authorization has been invoked. Specific areas of focus include specifying user roles that may invoke temporary authorization and rules pertaining to patient permission, patient notification, and duration of authorization.

##### Responsibility



The entities responsible for assuring policy compliance:

- RIQI
- Authorized CurrentCare users
- Patients enrolled in CurrentCare

## Policy

1. CurrentCare includes the technical capability for patients to declare who may have access to their health information through CurrentCare. According to the choices enumerated in the CurrentCare Enrollment Policy, for patients who choose the minimum level of access to their health information and/or in a case when a specific treating provider has not been granted authorization in advance of an emergency or unanticipated healthcare event, CurrentCare will allow authorization to the provider according to the provisions of this policy.
2. Temporary Authorization privileges are reserved solely for CurrentCare users acting in the assigned role of “licensed independent practitioners.” Licensed Independent Practitioner” is defined as any individual permitted by law to provide care, treatment, and services, without direction or supervision, within the scope of the individual’s license and consistent with individually granted clinical privileges. This privilege is intended for these users when caring for a patient in an emergency or other unanticipated event in which the practitioner believes that access to and knowledge of the health information in CurrentCare is in the best interest of treating the patient. An “emergency” is defined as the sudden onset of a medical, mental or substance abuse or other condition manifesting itself by acute symptoms of severity (e.g. severe pain) where the absence of medical attention could reasonably be expected, by a prudent lay person, to result in placing the patient’s health in serious jeopardy, serious impairment to bodily or mental functions, or serious dysfunction of any bodily organ or part. ”
3. To invoke temporary authorization, the user must attest to a treatment relationship with the patient and make every reasonable effort to either obtain the patient’s permission to view the information through CurrentCare or to notify the patient that the information has been viewed to support care delivery. If a patient denies temporary access to the user, the user will not access the patient’s information. In an emergency where neither advance patient permission nor patient notification after the fact is feasible, the user may invoke temporary authorization, if the user believes it is in the best interest of treating the patient. To invoke temporary authorization privileges, the user must attest to an active treatment relationship with the patient and indicate one of the following:
  - a. Patient permission to access the record has been obtained; or
  - b. Authorization from the patient was not obtained and the provider will notify the patient;



- c. Authorization from the patient was not obtained, and the provider will not notify the patient.
- 4. Within a reasonable period of time following a temporary authorization event for which the user is unable to obtain patient permission or notify the patient of access to health information through CurrentCare pursuant to Section 3(b) or 3(c), RIQI will provide notification of the access to the patient. This notification will include the date, time, type of information and person to whom the information was disclosed.
- 5. Every time the user determines that he or she needs access to the patient's record for treatment during the emergency or other unanticipated event, he or she will have to reinitiate the authorization and access process to the CurrentCare record pursuant to this policy.
- 6. Details of all temporary authorization events will be auditable by RIQI and reportable as required or as requested. Temporary authorization events will be recorded in the audit records of CurrentCare and will undergo review to detect unusual access patterns. Upon patient request, RIQI will produce a written disclosure history of temporary authorization events which will include the date, time, type of information and person to whom information was disclosed.
- 7. Patients or their authorized representative must notify RIQI by phone, electronically or in writing of any known or suspected incidents of unauthorized access to their health information through CurrentCare. Such notification by patients, or any complaint or grievance will be processed according to the CurrentCare Complaints Policy and the CurrentCare Notification of Breach Policy.

**Compliance**

Any violation of this policy will subject the employee to disciplinary action or immediate discharge. Any RIQI employee having knowledge of any violation of the policy shall promptly report such violation to Human Resources.

| Version | Effective Date           | Statement of Change   |
|---------|--------------------------|---|
| 01      | May 22, 2008             | Original document   |
| 02      | May 7, 2013              | Updated to address operational capabilities and regulatory requirements |
| 03      | See signature date below |   |



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|  |  | Clarified language in Section 3(b) and (c)<br>per the Policy & Legal Committee |
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| Ver 3. _____<br>Gary Christensen, CIO & COO                      Date |
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