

# State of Nebraska Health Information Technology Board PDMP Data Requests Policy

<b>Policy:</b> State of Nebraska Health Information Technology Board PDMP Data Requests Policy		<b>Accountability:</b> Systems Support Manager / CyncHealth Staff / Vendors:	
<b>Effective Date:</b> 11/18/2021	<b>Review Date:</b>	<b>Referenced Procedures:</b>	
<b>Intended Audience:</b> All CyncHealth staff and vendors working on behalf of CyncHealth.			
<b>Approval:</b> 11/18/2021		<b>Approval:</b>	
<b>Title:</b> HIT Board		<b>Title:</b>	

## STATEMENT

In accordance with the standards set forth under the Health Insurance Portability and Accountability Act (“HIPAA”) as well as federal and state statutory and regulatory requirements (hereafter referred to as “Regulatory Requirements”), CyncHealth is committed to ensuring the confidentiality, integrity, and availability of protected health information and electronic protected health information (PHI/ePHI), as well as any sensitive and confidential data it creates, receives, maintains, and/or transmits. For the purposes of this policy, PHI, ePHI and sensitive and confidential data shall be referred to herein as “Covered Information.”

## DEFINITIONS

- **Electronic Protected Health Information (ePHI):** Information that is “individually identifiable health information” and is created, received, maintained, or transmitted in any electronic form or medium.
- **Health Information Technology Board (HIT Board):** A seventeen-member board of healthcare professionals appointed by the Governor of Nebraska to oversee the State of Nebraska Health Information Exchange and the State of Nebraska Prescription Drug Monitoring Program (PDMP).
- **Prescription Drug Monitoring Program (PDMP):** The system in Nebraska established as a standalone medication query platform that collects all prescriptions dispensed from pharmacies and other dispensers, established through Neb. Rev. Stat. § 71-2454.
- **Protected Health Information (PHI):** Information that is “individually identifiable health information” and is created, received, maintained, or transmitted in any form or medium.

## PURPOSE

The purpose of this policy is to document the State of Nebraska HIT Board's responsibilities surrounding Nebraska PDMP data requests. The objective is to provide clarity surrounding definitions and the relationships between the State of Nebraska HIT Board and CyncHealth. This policy seeks to establish parameters in compliance with Regulatory Requirements related to limited and proper disclosure of PDMP data by ensuring CyncHealth staff are aware of the requirements and expectations surrounding the State of Nebraska HIT Board and PDMP data requests.

## SCOPE AND APPLICABILITY

This policy covers the Nebraska PDMP data requests that are overseen by the State of Nebraska HIT Board.

## ROLES AND RESPONSIBILITIES

The State of Nebraska HIT Board with the support of CyncHealth Chief Legal Counsel will be responsible for the enforcement, interpretation, management, review, and education of this policy. Likewise, CyncHealth staff will be responsible for acknowledgement and adherence to this policy.

## POLICY

### Types of Requests

Requests for PDMP data may be made through a completed *Collaborative Project Data Request Form* ("Form"). Requestors will be required to work closely with the Nebraska Healthcare Collaborative to ensure the request is valid according to federal and state regulations as well as in alignment with CyncHealth values and missions.

#### *Patient Quality Improvement or Research Initiatives*

The HIT Board may authorize release of PDMP data for patient quality improvement or research initiatives per Neb. Rev. Stat. § 71-2454 Sec. 10. Additional policies or procedures specific to use-cases will be developed as authorized by the HIT Board.

#### *Quality Measures*

The HIT Board may authorize release of PDMP data for quality measures as approved or regulated by state or federal agencies per Neb. Rev. Stat. § 71-2454 Sec.10.

#### *Statistical, Public Policy, or Educational*

The HIT Board may authorize release of PDMP data for statistical, public policy, or educational purposes after removing information which identifies or could reasonably be used to identify a patient, prescriber, or dispenser per Neb. Rev. Stat. § 71-2454 Sec. 9.

### Requests for PDMP Data

CyncHealth will verify the type of request before beginning any data request process. CyncHealth will only process a request for PDMP data after all the following conditions have been met in full:

- i. disclosure of Covered Information is authorized in accordance with CyncHealth privacy and security policies;
- ii. disclosure of Covered Information is authorized in accordance with Regulatory Requirements;
- iii. the identity of the requestor has been validated in accordance with the relevant policies and regulations;
- iv. a properly completed Form has been submitted;
- v. approval after work with the CyncHealth Collaborative regarding the scope and details of the request.

**PDMP Data Request Evaluation**

The HIT Board will be responsible for ensuring CyncHealth is meeting technological standards for reporting of data for the PDMP, including the types of data to be collected and reported and the frequency of data collection and disbursement.

Should the Nebraska Healthcare Collaborative determine a request for PDMP data satisfies all data governance processes and considerations, the HIT Board will consider the proposal and will be responsible for evaluating these requests in accordance with the statutes outlined in Neb. Rev. Stat. § 71-2454. CyncHealth will ensure that the HIT Board has access to the necessary data request submissions so it can accurately certify if the data is accessed, used, or disclosed in accordance with the privacy and security protections set forth in the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and regulations promulgated thereunder.

**PDMP Recommendations**

CyncHealth will ensure that the HIT Board has a reliable vehicle to provide suggestions and recommendations for changes and enhancements to the Nebraska PDMP.

**COMPLIANCE**

CyncHealth staff will be required to comply with all information security policies and procedures as a condition of employment or contract with CyncHealth. CyncHealth staff who fail to abide by the requirements outlined in the HIT Board PDMP Data Requests Policy and Procedures will be subject to disciplinary action up to and including termination of employment or contract.

**ANNUAL REVIEW**

<b>Date:</b>	<b>Reviewed By:</b>	<b>Comments/Updates:</b>
<b>Date of implementations:</b>		<b>Date of updates:</b>