

# State of Nebraska Health Information Technology Board

## PDMP Patient Data Retention and RXGov Portal Search Policy

<b>Policy:</b> State of Nebraska Health Information Technology Board PDMP Patient Data Retention and RXGov Portal Search Policy		<b>Accountability:</b> Systems Support Manager / CyncHealth Staff / Vendors:	
<b>Effective Date:</b> 6/20/2024	<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> 6/20/2024		<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 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 established in Nebraska as a standalone medication query platform that collects all prescriptions dispensed from pharmacies and other dispensers, established through Neb. Rev. Stat. § 71-2454.
- **RxGov:** Software platform developed and maintained by Leap Orbit LLC that records and tracks medication dispense, including controlled and non-controlled prescriptions. RxGov is a web-based application designed to be a comprehensive medication history platform. States such as Nebraska use the RxGov platform to monitor the prescribing and dispensing of controlled substances in their state. It enables authorized users to access their accounts to among other things search and view Nebraska PDMP patient records within a prescribed time period.

- **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 standards regarding the retention period of Nebraska PDMP records currently maintained by Leap Orbit LLC, and to extend the period of time that authorized users of the Nebraska PDMP may select to search patient records in RXGov from two years to up to seven years. The objective is to clarify definitions and the relationships between the State of Nebraska HIT Board, the Nebraska Department of Health and Human Services, the vendor maintaining RXGov, and CyncHealth. This policy seeks to establish parameters in compliance with Regulatory Requirements related to the retention of PDMP data by ensuring CyncHealth staff are aware of the requirements and expectations of the State of Nebraska HIT Board.

## SCOPE AND APPLICABILITY

This policy covers the Nebraska PDMP data which is overseen by the State of Nebraska HIT Board.

## ROLES AND RESPONSIBILITIES

The State of Nebraska HIT Board with the support of both CyncHealth’s Director, Pharmacy Services Program, and Chief Legal Counsel will be responsible for the enforcement, interpretation, management, review, and education of this policy. Likewise, CyncHealth staff will be responsible for acknowledgment and adherence to this policy.

## POLICY

Neb. Rev. Stat. § 71-2454 (6) allows CyncHealth in accordance with policies adopted by the Nebraska HIT Board and in collaboration with the department, to establish the minimum administrative, physical, and technical safeguards necessary to protect the confidentiality, integrity, and availability of prescription drug information.

This Policy is to authorize Leap Orbit LLC or any subsequent vendor who manages RXGov to:

- retain Nebraska PDMP records on its system for 7 years from the date of dispense while CyncHealth continues to retain Nebraska PDMP records on its system for an extended period of time without any change;
- enable RXGov to allow authorized users to search Nebraska PDMP records up to 7 years from the date of dispense, currently authorized users are limited to a 2-year search period.
- delete any query created within the Custom Query Engine that is older than 24 hours.

## COMPLIANCE

Leap Orbit, LLC is contractually required to comply with administrative, physical, and technical safeguards necessary to protect the confidentiality, integrity, and availability of prescription drug information including PHI record destruction as set forth in HIPAA and Regulatory Requirements. 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 State of Nebraska HIT Board 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>

