

SYNCRONYS

Webinar Series

July 13, 2021



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WELCOME



- News and Announcements – April L. Salisbury, Director of Onboarding & Training
- Our featured presentation – ***“Changes to Patient Consent in New Mexico and the SYNCRONYS HIE”*** – Randall McDonald, Attorney, McDonald Law Firm
- Your questions and feedback

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ANNOUNCEMENTS



- We are recording today's webinar.
- The recording will be made available with a PDF of the slides.
- Video cameras will be turned off.
- All lines are muted, but you can unmute your line during Q&A.
- You may also send questions and comments through the chat window.

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NEWS

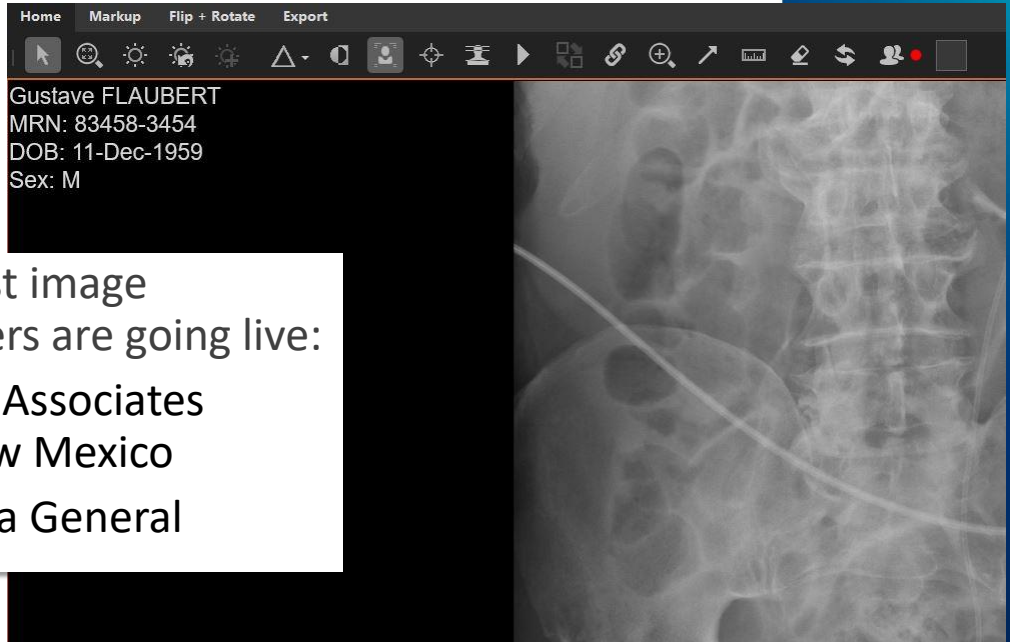
Hold the date!

- Our User's Conference will be a hybrid event on the mornings of September 23 & 24, with a networking luncheon on the 23rd.
- Indian Pueblo Cultural Center and available via Zoom Web Meeting



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NEWS



Our first image providers are going live:

- XRAY Associates of New Mexico
- Artesia General

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ENHANCING THE HIE HAS BROUGHT TOGETHER INNOVATORS . . .



. . . TO TRANSFORM LIVES & DELIVER HIGH QUALITY SOLUTIONS FOR HEALTHCARE IN NEW MEXICO



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FEATURE PRESENTATION

Changes to Patient Consent in New Mexico and the SYNCRONYS HIE



Randall McDonald
Attorney
McDonald Law Firm



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CHANGES TO NM PATIENT CONSENT RULES



• HISTORICAL BACKGROUND

• Certain Key Dates in History of Health Insurance Portability and Accountability Act:

- August 1996 – HIPAA Signed into Law
- April 2003 – Effective Date of the HIPAA Privacy Rule
- April 2005 – Effective Date of the HIPAA Security Rule
- March 2006 – Effective Date of the HIPAA Breach Enforcement Rule.
- September 2009 – Effective date of HITECH

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CHANGES TO NM PATIENT CONSENT RULES



HISTORICAL BACKGROUND

- **Certain Key Dates in History of SYNCRONYS HIE:**

- 2004 - NMHIC (New Mexico Health Information Collaborative) was created by the nonprofit Lovelace Clinic Foundation (now SYNCRONYS)
- Brought together 33 public and private New Mexico health organizations and non- medical employers to develop a network to connect sources of scattered medical information
- built a secure, privacy protected network prototype to exchange medical information
- 2008 - NMHIC Chosen to participate in the Nationwide Health Information Network under an award of a federal contract from the Office of the National Coordinator for Health Information Technology

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CHANGES TO NM PATIENT CONSENT RULES



- **HIPAA PRIVACY RULE - GENERAL**

- The HIPAA Privacy Rule established national standards to protect individuals' medical records and other personal health information. The Rule requires appropriate safeguards to protect the privacy of personal health information and sets limits and conditions on the uses and disclosures that may be made of such information without patient authorization.
- To avoid interfering with an individual's access to quality health care or the efficient payment for such health care, the Privacy Rule permits a covered entity to use and disclose protected health information, with certain limits and protections, for treatment, payment, and health care operations activities.

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CHANGES TO NM PATIENT CONSENT RULES



• HIPAA PRIVACY RULE – MORE RESTRICTIVE STATE LAW RULE

- But, under the HIPAA Privacy Rule, if state law imposed stricter privacy requirements, the state law had to be complied with.
- And New Mexico had some more restrictive privacy laws.

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CHANGES TO NM PATIENT CONSENT RULES



• NEW MEXICO HURDLES TO HIE

- Outdated statutes that called into question the legality of electronic vs written, paper medical records
- More restrictive state statutes that required patient consent for the disclosure of patient information with respect to certain conditions and information:
 - HIV/AIDs
 - Hepatitis C
 - Sexually Transmitted Diseases
 - Children's Mental Health
 - Adult Mental Health
 - Genetic information

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CHANGES TO NM PATIENT CONSENT RULES



• NEW MEXICO HURDLES TO HIE

- As a result of these specially protected information statutes, the exchange of patient information in New Mexico required patient consent because: (1) this information was important for quality healthcare; and (2) there was no means to segregate this information from other information in a patient's medical record.

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CHANGES TO NM PATIENT CONSENT RULES



OVERCOMING HURDLES – 2009

- In 2009, NMHIC (now SYNCRONYS) helped with the passage of the New Mexico Electronic Medical Records Act.
 - That act clearly established the legality of the use of electronic medical records.
 - It also allowed disclosure of patient information, including specially protected information, to the HIE for the development and operation of the health information exchange.

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CHANGES TO NM PATIENT CONSENT RULES



OVERCOMING HURDLES – 2021

- In 2020, SYNCRONYS began to examine ways to increase the adoption and use of the HIE in New Mexico and identified the consent requirement as a significant hurdle in adoption and use.
- Bills were introduced in the New Mexico House (HB 269) (Zachary Cook) and the New Mexico Senate (SB 282)(Dr. Martin Hickey) to harmonize the New Mexico statutes with federal law requirements.
- Both Bills were successful in passing various committees, and eventually House Bill 269 passed both houses of the legislature and was signed by the Governor. There was almost unanimous bipartisan support for the bill. It became law on July 1, 2021.

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CHANGES TO NM PATIENT CONSENT RULES



AMENDMENT TO NEW MEXICO ELECTRONIC MEDICAL RECORDS ACT

Under the 2021 amendments, Section 24-14B-6 G and H of the New Mexico statutes were amended to read as follows:

G. Notwithstanding any other provision of law, information in an individual's electronic medical record may be disclosed:

* * *

(3) to a provider, health care institution or health care group purchaser for treatment, payment or health care operation activities, in compliance with the federal Health Insurance Portability and Accountability Act of 1996 and the regulations promulgated pursuant to that act, and if applicable, in compliance with 42 U.S.C. Section 290dd-2 and the regulations promulgated pursuant to that section.

H. For the purposes of this section, "health care operation activities" includes administrative, financial, legal and quality improvement activities of a covered entity that are necessary to conduct business and to support the core functions of treatment and payment and are limited to the activities listed in the definition of "health care operations" at 45 C.F.R. 164.501.

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CHANGES TO NM PATIENT CONSENT RULES



• IMPLEMENTATION

- With these amendments, the SYNCRONYS HIE can operate without requiring patient consent for disclosures made for HIPAA treatment, payment, and operations purposes. SYNCRONYS is now in the process of revising its procedures and updating its legal agreements to reflect and implement these changes. We see this as a huge step in the on-going history and success of the SYNCRONYS New Mexico HIE.

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HOW THIS CHANGES OUR PORTAL



The disclaimer is briefer...

Accept this disclaimer to continue



If you do not accept this disclaimer within five minutes, you will be logged out and returned to the login page.

By accessing information using the SYNCRONYS Health Information Exchange, I understand, accept, and agree that my access to and the use and disclosure of such information by me is subject to Federal and State laws and contractual duties and obligations.

Accept

Cancel

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HOW THIS CHANGES OUR PORTAL



- Treatment
- Payment
- Operations

- Minimum Necessary Access

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HOW THIS CHANGES OUR PORTAL



- The task of Level 6c users, Consent Administrators, is no longer necessary, so there is no tab for managing consent
- Level 6c users may continue to log with demographics-only views

FLAUBERT, Gustave SEX Male DOB Dec-11-1959 (61y)

Demographics Only Summary

Demographics

Other Identifiers	Emergency Contact
83458-3454 (Christus St Vincent Regional Med Ctr)	Name ARCHIE, ELLEN
76239 (Miners Colfax Medical Center)	Phone 5554455084 (Home)
76240 (Miners Colfax Medical Center)	
AAA-01800-6 (ORION)	
AAA-02001-9 (ORION)	
AAA-02100-7 (ORION)	
Demographics	
Address 6599 Jaguar Drive, Santa Fe, NM, 87507, (Home)	
Phone 5059552828 (Mobile)	
Phone +1(505) 9552828 (Home)	

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HOW THIS CHANGES OUR PORTAL



Orion Health
Amadeus

« Patient Search

Identifier

This search performs an EXACT match on

Organization

Birth

Sex

<input type="checkbox"/>	Identifier	Name	Date of Birth (Age)	Sex	Phone	Address
<input type="checkbox"/>	AAA-01800-6	Flaubert, Gustave	Dec-11-1959 (61 years)	Male	5059552828 (Mobile) +1(505) 9552828 (Home)	6599 Jaguar Drive, Santa Fe, NM, 87507 (Home)

- Level 1, 2, & 3 users, full clinical view, no longer encounter a padlock (privacy seal)
- Level 1b, 2b, & 3b users become Level 1, 2, & 3 – same full clinical view

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FLAUBERT, Gustave SEX Male
DOB Dec-11-1959 (61y)

Home 0 April SALISBURY-4 LOGOUT

☰ Patient Summary

Demographics

Other Identifiers	Emergency Contact
83458-3454 (Christus St Vincent Regional Med Ctr)	Name ARCHIE, ELLEN
76239 (Miners Colfax Medical Center)	Phone 5554455084 (Home)
76240 (Miners Colfax Medical Center)	
AAA-01800-6 (ORION)	
AAA-02001-9 (ORION)	
AAA-02100-7 (ORION)	

Demographics

Address 6599 Jaguar Drive, Santa Fe, NM, 87507, (Home)

Phone 5059552828 (Mobile)

Phone +1(505) 9552828 (Home)

Encounter History

	Admission	Discharge	Admit Reason	Discharge Diagnosis	Visit Type	Specialty	Facility	Clinician	Attenders
🚫	Jan-10-2021	Jan-10-2021	LEFT SIDE PAIN	Calculus of ureter	Emergent		Miners Colfax Medical Center		RENEE KING

HOW THIS CHANGES OUR PORTAL

- Level 4 users, Business Office role, will not need consent to see encounters with diagnoses in addition to the demographics they can see without consent.

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HOW THIS CHANGES OUR PORTAL

The screenshot shows the Amadeus Clinical Log interface. The left sidebar has a menu with categories: PATIENTS, WORKLISTS, AUDIT LOGS (selected), and PORTAL MESSAGING. Under AUDIT LOGS, 'Clinical Log' is selected. The main area has search filters: User ID (SYNC-asalisbury), Patient Search, User Events (User Authentication, Login, Logout, Account Status Change), Date (From: 2021-07-12, To: 2021-07-12), Concerto Events (Open Application, Open Document, Context Change), and Result (All, Success, Fail). A Search button and a Reset button are present. Below the filters is a table with the following data:

Time	User ID	Event Type	Message
Jul-12-2021 16:31	SYNC-asalisbury6b	Open Application	Audit Logs, Clinical Log
Jul-12-2021 16:30	SYNC-asalisbury6b	Open Application	User Homepage, Provider Homepage Worklist
Jul-12-2021 16:30	SYNC-asalisbury6b	Open Application	Medical Applications Portal, Recent Patients

- Level 6b users, Privacy Officers, will still be able to audit break the seal and consent administration activity that happened prior to the change.
- They can still audit portal use, from log-in to log-out, for any of their users

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QUESTIONS?

Call: (505) 938-9900
 Email: info@synchronys.org
 Visit: www.synchronys.org



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FUNDING SUPPORT IS AVAILABLE



Don't miss out!

– Just over 2 months remain on funding

- Interface costs to assist in sharing data with the HIE.
- Tools and consultation to better integrate HIE into clinical workflow.
- Help New Mexico achieve national patient data interoperability goals.



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YOUR CUSTOMER ENGAGEMENT TEAM



Behavioral Health | Diagnostic Facilities | UNMH/SRMC | DoH –

April Salisbury, Director Onboarding & Training

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Payers | Integrated Health Systems –

Terri Stewart, Chief Administrative Officer

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Independent Clinics | Federally Qualified Health Centers –

Renee Sussman, Customer Relationship Manager

rsussman@synchronys.org; 505-938-9914



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YOUR CUSTOMER ENGAGEMENT TEAM



Hospitals | Indian Health Service | Tribal Health Systems/Clinics –
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Federal, State, and County Corrections –
Gene Lincoln, Customer Relationship Manager
glincoln@synchronys.org; 505-938-9900



Skilled Nursing Facilities | Long Term Care |
Rehabilitation | Home Care | Hospice –
Jerry Martinez, Customer Relationship Manager
jmartinez@synchronys.org; 505-938-9916



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THANK YOU!



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