

## Background on NYS RHIO Consent Policies

**Consent is by Legal Entity** - When consent is obtained by your practice it is upheld at each one of your practice sites.

- Patients may not be aware of the consent laws. If they previously signed a consent form with another provider, they may not know that they need to also sign a consent form for your practice. Therefore, they may say something like “Oh, I already signed this”.

**Consent is “once and done”** meaning an office needs to obtain a patient’s consent once in his/her lifetime. It is not obtained every year.

**Participating organizations do not need the patient’s permission to send their data** to Hixny. This includes sensitive information such as HIV results, Genetic Testing, Substance Abuse and Mental Health issues.

- Rather, the patient must give the participating organization permission to access his/her record in Hixny. The patient’s control is to either grant access or deny access to his/her record. Since consent is by participating organization, a patient may give consent to one practice and deny another.
- An updated list of participating providers is maintained on the Hixny website: [www.hixny.org](http://www.hixny.org)

When the Consent Form is obtained, the patient’s preference must be indicated where the check boxes are listed on the form. Then, the patient must sign the form. The patient’s preference needs to be set in the participating organization’s system.

The **Hixny Patient Consent Form** provides patients with two options:

- Give permission to your practice to access the patient’s record in Hixny.
- Deny permission to your practice to access the patient’s record in Hixny.
  - Denying permission on the Consent Form precludes your practice from viewing the patient’s record in Hixny, *even in the event of an emergency.*

If the patient grants consent and decides later to withdraw consent, they must complete the “Withdrawal of Consent” form and then contact Hixny support.

**Break the Glass** - If a patient has not been asked to grant or deny consent, or if he/she has chosen to abstain from making a decision, the consent status is considered, “Null”, and the participating organization can view the patient’s record temporarily in Hixny if an emergency should arise. “Break the Glass” is automatically documented in the system denoting that access occurred for an emergent situation. Audits are performed based on these reports. Break the Glass is currently available for some users that access records directly in Hixny. EMR vendors have yet to develop this capability, therefore *emergency only* access does not occur within an EMR system.

**Minors** are considered those patients from 10 years of age up to 18 years of age. Access to a minor’s record is allowed for emergent situations only.

- Newborns up to 10 years of age; the guardian must sign for consent
- From 10-18 years of age; no consent is obtained
- 18+ years of age, the adult patient signs on his/her own behalf

**Should a patient be interested in learning more, please direct them to our website or provide our contact information; (518) 640-0021.**