SAMHSA Part 2: Managing Sensitive Data

There are six core components to address for receiving and re-disclosing 42CFR Part 2 data within a Health Information Exchange (HIE). The components are outlined below with HealtheConnections’ approach for managing each:

1. **QSOA**: Qualified Services Organization Agreement (QSOA) must be in place between the Part 2 facility and the health information exchange
   - QSOA is included via signed HealtheConnections (HeC) Participation Agreements

2. **Disclosure Release**: Disclosure Release is not required for the facility to send data to an HIE, if a QSOA is in place
   - Covered under #1

3. **Data Identification**: The facility must notify HealtheConnections if they provide Part 2 services only or provide other services, as well
   - Part 2 data will be identified by the facility name as the data source within the HIE
   - Part 2 data is co-mingled with the patient’s other medical records; if the Part 2 facility also sends non-Part 2 data but cannot distinguish from Part 2 data, then Part 2 rules will be applied to all the facility’s data
4. **HIE Consent**: Patient must affirmatively consent to the HIE consent process for an authorized user to access Part 2 records except for Break-the-Glass for an emergency event or Minor Consented Access Override
   - Patients that provide affirmative consent to an HeC participating organization allow authorized users of that organization to access the patient’s medical records, including Part 2 data

5. **Access**: Security roles within the HIE must be configurable to allow/restrict access to Part 2 data, as identified in component #3
   - HeC authorized users with a Public Health/Organ Procurement (bypass consent) security role will be blocked from viewing a patient’s data from a Part 2 facility. If the facility also offers other services and cannot provide separate data feeds to distinguish the Part 2 data, all data from that facility will also be blocked

6. **Re-disclosure**: An HIE user **must** obtain a patient’s authorization to re-disclose Part 2 data that was obtained from the HIE
   - Each participant is responsible for obtaining authorization from the patient for further re-disclosure of the Part 2 data per federal and state applicable laws
Other Functionalities and Services:

- Break-the-Glass and Minor Consent Override functionalities are not impacted

- Results Delivery is not impacted by Part 2 data since a treating relationship is already established between the patient and provider

- Alerting from non-Part 2 facilities is not impacted. Alerts from a Part 2 facility can only be sent with a patient’s affirmative consent

- Data Forwarding is not impacted by Part 2 data since the service is based on the patient’s affirmative consent in the HIE
SAMHSA Part 2: Data Accessibility

QSOA permits Part 2 disclosure to HIE

- Patient allows user access with signed HeC consent form
- Patient denies user access or has not signed an HeC consent form

Public Health/Organ Procurement users (bypass consent)
- Will not have privilege to access Part 2 data
- Will only be allowed access to non Part 2 data

Part 2 data still accessible via:
- Break-the-Glass for an emergency when patient has not consented
- Minor Consent Access Override for minor-consented services