

HISPC-Illinois II

**The Public-Private Partnership
Moves Forward on Privacy and Security**



Model Notice of Privacy Practices and Consent/Authorization Forms for Sharing Information with HIE

The Legal Work Group has approved the development of a draft model of notice of privacy practices insert, consent form and authorization form documents for use by health care providers who are participating in a health information exchange (HIE). These forms are to be given to patients by their health care providers. The forms are intended to inform patients about the uses of their personal health information while minimizing the burden of additional paperwork on health care providers.

In developing the notice and forms, the Legal Work Group adopted the premise that the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the HIPAA Privacy Rule authorizes the use and disclosure of protected health information (PHI), without authorization or consent, for treatment, payment and health care operations activities.

- **Notices of Privacy Practices Insert**

The health care provider would insert the model language into their existing notice of privacy practices. It advises the patient that the PHI could be provided to a HIE.

- **Consent for Use and Disclosure of Certain Types/Categories Protected Health Information**

While the HIPAA Privacy Rule authorizes the use and disclosure of PHI without your authorization or consent, written consent is required to disclose certain categories/types of PHI under Illinois law. This consent form would be used by the patient to grant permission for this information to be disclosed to the HIE.

- **Authorization for Use and Disclosure of Protected Health Information for Research**

The Legal Work Group recognized that there were additional requirements needed to use protected health information for research activities. The Legal Work Group developed an authorization form to specifically allow a patient to allow the use and disclosure of PHI for research activities.