Act 53: A Brief on the Consent Policy Implementation Effort

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VERMONT
AGENCY OF HUMAN SERVICES

Implementation Plan: 3 Workstreams

Workstream 1: Stakeholder engagement

- Include substantial opportunities for public input
- Focus on the creation of patient education mechanisms and processes
- Include multisector communications strategies to inform each Vermonter about the VHIE, the consent policy, and their ability to opt-out

Workstream 2: Mechanisms to implement and manage consent

- Identify the mechanisms by which Vermonters will be able to easily opt out of having their health information shared through the VHIE
- Include plans for developing or supplementing consent management processes at the VHIE to reflect the needs of patients and providers

Workstream 3: Evaluation

- Identify a methodology for evaluating the extent to which the public outreach regarding the VHIE, consent policy, and opt-out processes has been successful

Workstream 1: Stakeholder Engagement

- Act 53 required that we communicate with Vermonters about:
  - The purpose of the VHIE
  - The way in which health information is currently collected
  - How and with whom health information may be shared using the VHIE
  - The purpose for which health information may be shared using the VHIE
  - How to opt-out of having health information shared using the VHIE
  - How patients can change their participation status in the future

Workstream 1: Stakeholder Engagement

- ✓Interviews and focus groups conducted with advocates and special populations.
- ✓Developed communications approach and key messages based on stakeholder input.
- ✓Small Mammal, an external communications agency, developed friendly, accessible language and design, applied across website, social content, brochure, and more.
- ✓A public education campaign was launched, and new tactics will be released routinely until March 1.
- ✓Advocacy organizations and other partners have started to deliver messages about consent using the initial communications products.
- ✓Completed training with staff at the Office of the Health Care Advocate, training has been offered and is available to other advocacy organizations.

Stakeholder Engagement: with Advocates and Vermonters

- We engaged with leaders of organizations who provide services and/or advocacy for the following populations. We also engaged people with lived experience (marked with a +) .
  - People with developmental disabilities +
  - Family members of people with developmental disabilities +
  - Refugees and New Americans +
  - People accessing sexual and reproductive health services
  - LGBTQ people
  - People living with HIV/AIDS +
  - Older Vermonters
  - People receiving mental health services
  - People with substance use disorder
  - Members of the general public +

Stakeholder Engagement: What We Heard from Advocates

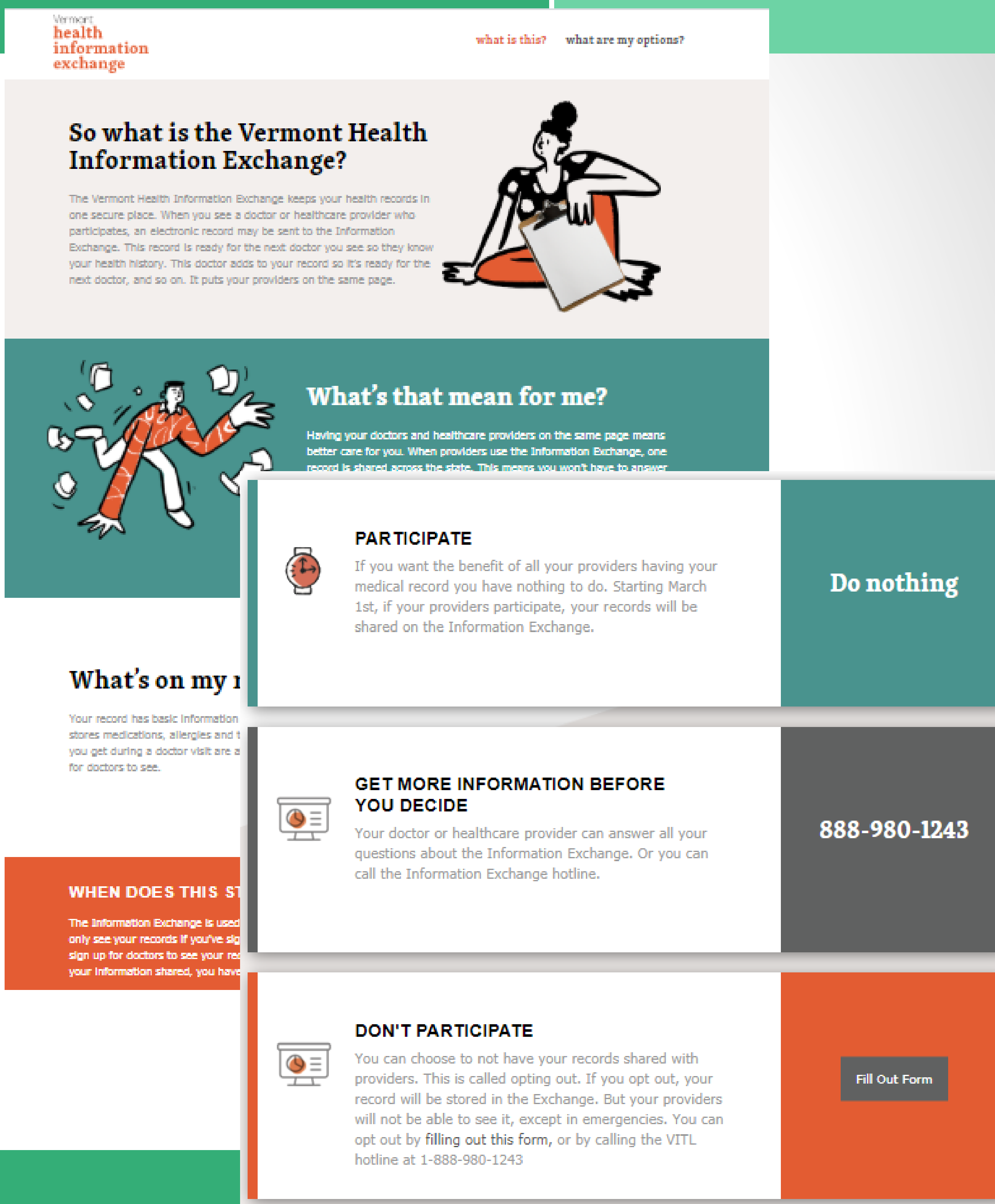
- Multi-channel, multi-messenger communication approach will be most effective
- Most advocacy organizations interviewed committed to participating as messengers
- Special populations experience unique health privacy risks AND often experience greater benefit from effective health information exchange
- Ask that we communicate rights without creating fear

Stakeholder Engagement: Learning from Vermonters

- Little current knowledge of health information sharing rules and practices
- Health information is personal, privacy matters – especially to people from communities that have been marginalized or with conditions that have been stigmatized.
- Agreement that more information = better care
- Hope that health information exchange can help relieve the administrative burden of personal health information management
- With attention and a little time, Vermonters can understand the Vermont Health Information Exchange and their rights and options. The challenge will be capturing attention and creating clarity in less time.

Stakeholder Engagement: Communications Tools

- **The consent website is live -** it will continue to act as a tool to educate Vermonters
- A **communications toolkit** is being compiled online for partners (includes social media, etc.)
- **Advocates** have been/will be briefed on how to use communications tools and share the consent message
- **Provider materials** will be printed, distributed widely
- **Hotlines** at VITL and the Office of the Health Care Advocate are up and running
- **Front Porch Forum** posts have started and at least 3 more are anticipated
- **Earned media (news)** is anticipated to begin in February



So what is the Vermont Health Information Exchange?

The Vermont Health Information Exchange keeps your health records in one secure place. When you see a doctor or healthcare provider who participates, an electronic record may be sent to the Information Exchange. This record is ready for the next doctor you see so they know your health history. This doctor adds to your record so it's ready for the next doctor, and so on. It puts your providers on the same page.

What's that mean for me?

Having your doctors and healthcare providers on the same page means better care for you. When providers use the Information Exchange, one record is shared across the state. This means you won't have to answer

What's on my

Your record has basic information
stores medications, allergies and
you get during a doctor visit are
for doctors to see.

WHEN DOES THIS

The Information Exchange is used
only see your records if you've
sign up for doctors to see your
your information shared, you have

PARTICIPATE

If you want the benefit of all your providers having your medical record you have nothing to do. Starting March 1st, if your providers participate, your records will be shared on the Information Exchange.

Do nothing

GET MORE INFORMATION BEFORE YOU DECIDE

Your doctor or healthcare provider can answer all your questions about the Information Exchange. Or you can call the Information Exchange hotline.

888-980-1243

DON'T PARTICIPATE

You can choose to not have your records shared with providers. This is called opting out. If you opt out, your record will be stored in the Exchange. But your providers will not be able to see it, except in emergencies. You can opt out by filling out this form, or by calling the VITL hotline at 1-888-980-1243

Vermont
health
information
exchange

what is this? what are my options?

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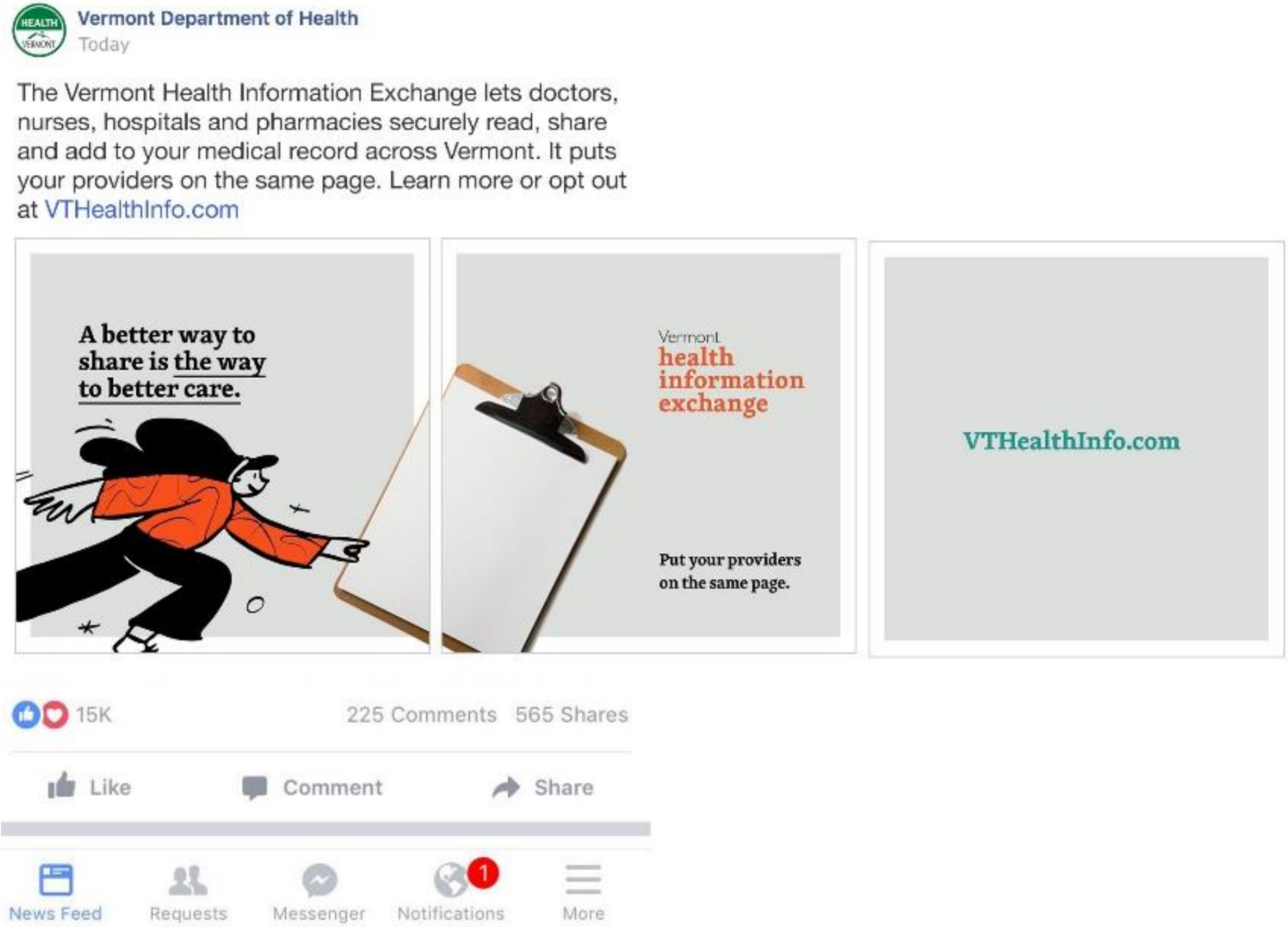
What's that mean for me?

Having your doctors and healthcare providers on the same page means better care for you. When providers use the Health Information Exchange, one record is shared across the state. This means you won't have to answer the same questions everywhere. Or remember when things happened. Or know exactly what kind of medication you've taken. And if you ever can't give your information, like in an emergency, the doctor may still get critical information to help you.



Vermont Department of Health
Today

The Vermont Health Information Exchange lets doctors, nurses, hospitals and pharmacies securely read, share and add to your medical record across Vermont. It puts your providers on the same page. Learn more or opt out at VTHealthInfo.com

Stakeholder Engagement: Additional Public Input

- Public Hearing – an opportunity to discuss frequently asked questions about the VHIE and consent policy implementation strategies
  - When: February 4, 2020, 10:30am -12:00pm
  - Where: Waterbury State Office Complex, Cherry Conference Room

Workstream 2: Mechanisms to Implement and Manage Consent

Focused on increasing awareness of the Vermont Health Information Exchange, offering easy opt-out options for Vermonters, and reducing burden on health care organizations.

Easy Opt-Out Options for Vermonters:

- Participating Health Care Organizations – Available
- The Vermont Health Information Exchange Hotline at 888-980-1243 – Available
- Online Form – Available
- Download, print and fill out a paper opt-out form and mail, deliver in person or fax it to VITL – Available

Reducing the Burden on Health Care Organizations:

- VITL is collecting and maintaining a record of consent decisions
- Health care organizations can educate and refer patients to VITL or the Health Care Advocate
- VITL and other health care stakeholders will be involved to help answer questions and increase awareness

Workstream 3: Evaluation

- An evaluation committee - Vermont Department of Health, the Disabilities Council, the Office of the Health Care Advocate, the Vermont Association of Hospitals and Health Systems, the Vermont Medical Society, Bi-State Primary Care Association, and Vermont Care Partners – developed a methodology and modes of gathering data.

- The evaluation is aimed at answering the following:
  - *Are Vermonters aware of their ability to decide whether their health care providers can see their health information available in the VHIE?*
  - *Do Vermonters have enough information to make a decision, with which they are comfortable, about whether their health care providers can see their health information available in the VHIE?*
  - *Can Vermonters easily register their decision to not allow their health care providers to view their health information available in the VHIE?*

Workstream 3: Evaluation

- Fielded the patient experience survey, including questions regarding consent - received 11,112 survey responses

The next two questions ask about your knowledge of the Vermont Health Information Exchange. The Vermont Health Information Exchange may electronically collect information about the health care you receive. You can choose whether your health care providers can see this information.

Have any of your health care or other service providers asked you whether you want your health care providers to be able to see your health information in the Vermont Health Information Exchange?

Did you get enough information to feel comfortable deciding whether your health care providers will be able to see your health information in the Vermont Health Information Exchange?

Consent in the HIE Strategic Plan

- The 2020 HIE Plan contains the ‘opt-out’ consent strategy and is being updated with an Addendum including protocols for:
  - Provider Access
    - Patient Education
    - Provider Responsibilities
    - VITL Responsibilities
    - Patient Access to PHI
    - Emergency Access to PHI on the VHIE
    - Patient Request for Audit Report
    - Revocation
  - Substance Use Disorder Information

- The 2021 HIE Plan update will include the results of the evaluation and related strategic plans as designed by the HIE Steering Committee