

STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD

In re: Proposed Revised Policy on Patient)
Consent for Provider Access to Protected)
Health Information on the Vermont Health)
Information Exchange (VHIE) or through)
the Vermont Blueprint for Health)
_____)

DECISION

At its March 13, 2014 meeting, the Green Mountain Care Board approved the proposed revisions to the Policy on Patient Consent for Provider Access to Protected Health Information on VHIE or through the Blueprint (“Consent Policy”), as reflected in the 2/6/14 Draft Proposal provided to the Board by Vermont Information Technology Leaders (VITL) and the Vermont Secretary of Administration, subject to the following conditions:

1. VITL will change the label on the continue button on the screen that reminds users of their obligations each time they log in from “ProAccess” to “I accept.”
2. VITL will add an operational section to the annual report it must file pursuant to 18 V.S.A. § 9352(e). That operational section will include:
 - Number of interface messages received into the VHIE for the year
 - Nature of these interface messages (e.g. Admit Discharge and Transfer, Lab Results, etc.)
 - Number of signed patient consent forms for the year
 - Cumulative number of signed patient consent forms since the VHIE began operating
 - Number of written law enforcement requests received for access to patient records
 - Number of patients for whom records were produced due to a written law enforcement request
 - Number of audits performed during the year
 - Nature of audits performed during the year (e.g. on-request, random, or break-the-glass)
 - Number of breaches reported to the U.S. Office of Civil Rights, as required by HIPAA privacy regulations
3. VITL, the State of Vermont (through the Office of the Director of Health Care Reform), and the Vermont Office of the Health Care Advocate (HCA) will work together, and with other interested persons, to develop written consent forms, revocation forms, and educational materials of at least “Standard” readability according to the Flesch Reading

Ease Formula.¹ The organizations named above will work in good faith to complete these materials within 30 days of the date of this decision, and will report to the Board if they do not believe they will meet this deadline.

The Board again thanks all who participated in the process of developing the revised consent policy and those groups and individuals who attended our meetings and provided oral and written comments. We look forward to continued, strong collaboration among the State, providers, stakeholders, and the public in implementing and developing the Vermont Health Information Exchange.

Dated: April 8, 2014
Montpelier, Vermont

s/ Alfred Gobeille)
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s/ Karen Hein)
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s/ Cornelius Hogan)
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s/ Betty Rambur)
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s/ Allan Ramsay)

GREEN MOUNTAIN
CARE BOARD
OF VERMONT

Filed: April 8, 2014

Attest: s/ Janet Richard
Green Mountain Care Board
Administrative Services Coordinator

NOTICE TO READERS: This document is subject to revision of technical errors. Readers are requested to notify the Board (by e-mail, telephone, or in writing) of any apparent errors, so that any necessary corrections may be made. (E-mail address: Janet.Richard@state.vt.us).

¹ According to the source cited by the HCA, a Flesch Readability score of 60-69 correlates to "Standard" readability, which is "considered easily understood by 8th and 9th graders."
<http://www.readabilityformulas.com/flesch-reading-ease-readability-formula.php> (last visited March 14, 2014).