

**STATE OF RHODE ISLAND  
RHODE ISLAND DEPARTMENT OF HEALTH  
CONCISE STATEMENT OF PROPOSED NON-TECHNICAL AMENDMENTS  
(AMENDMENTS TO EXISTING REGULATIONS)**

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.7(b)(8), the following is a concise statement of proposed non-technical amendments *Regional Health Information Organization and Health Information Exchange (216-RICR-10-10-6)*

Section	Rationale/Summary of Change
<b>Throughout</b>	<ul style="list-style-type: none"> <li>• Changed “confidential health information” to “confidential healthcare information”</li> <li>• Changed “his/her” to “their”</li> <li>• Changed “patient participant” to “patient”</li> </ul>
<b>6.2(A)</b>	<p>Changed the following definitions to signpost to the statutory definition:</p> <ul style="list-style-type: none"> <li>• Authorized representative</li> <li>• Business associate</li> <li>• Confidential healthcare information</li> <li>• Data-submitting partner</li> <li>• Disclosure report</li> <li>• Electronic mobilization</li> <li>• Emergency</li> <li>• Healthcare provider</li> <li>• Healthcare services</li> <li>• Health plan</li> <li>• HIE Advisory Commission</li> <li>• Patient</li> <li>• Provider participant</li> <li>• Regional health information organization or RHIO</li> </ul> <p>Removed the following definitions:</p> <ul style="list-style-type: none"> <li>• Participant</li> <li>• Participation</li> <li>• Unanticipated event</li> </ul>
<b>6.2(A)(12)</b>	Revised the definition of “Gender marker” to remove “sex or” and add “including sex or sex assigned at birth where a medical record does not separately distinguish these values.”
<b>6.2(A)(21)</b>	Added definition of “Must.”
<b>6.2(A)(22)</b>	Added definition of “Opt out”
<b>6.2(A)(23)</b>	<p>Revised definition of “Opt out form” to:</p> <ul style="list-style-type: none"> <li>• Change “patient participant” to “patient”</li> <li>• Removes “permission for the RHIO to allow”</li> <li>• Added “except as provided in § 6.3.1(A)(3)”</li> </ul>
<b>6.2(A)(24)</b>	Removed “at the RHIO” from the definition of “Patient matching”
<b>6.2(A)(28)</b>	Revised definition of “Public health authorities” to remove “a territory, a political subdivision of a state or territory”
<b>6.2(A)(30)</b>	Added definition of “Research” and defined it as “means as defined by HIPAA and its implementing Regulations (45 C.F.R. § 164.501).”
<b>6.2(A)(31)</b>	Changed “security event” to “security incident”
<b>6.3.1(A)(1)</b>	Changed “HIE” to “RHIO” and “signing” to “submitting”

<b>6.3.1(A)(2)</b>	Revised as follows: <ul style="list-style-type: none"> <li>Added “Data-submitting partners shall inform patients with whom they have an active direct treatment relationship, as defined by 45 C.F.R. § 164.501”</li> <li>Removed “Individuals shall be informed” and “through provider participants and other publicly available means”</li> </ul>
<b>6.3.1(A)(2)(a)</b>	Added “Data-submitting partners are not required to inform patients of the opportunity to opt out with whom they have an indirect treatment relationship as defined by 45 C.F.R. § 164.501.”
<b>6.3.1(A)(3)(c)</b>	Change “where” to “to the extent”
<b>6.3.1(A)(4)</b>	Added “Each provider participant shall maintain with the RHIO a current copy of its Notice of Privacy Practices and, if separate, the above-referenced opt out notice.”
<b>6.3.1(A)(4)</b>	Removed section
<b>6.3.1(A)(5)</b>	Changed “RHIO’s” to “HIE’s” and “completed” to “validly submitted”
<b>6.3.1(A)(6)</b>	Removed “If there are remaining concerns or complaints after contacting the RHIO, individuals can contact the Department of Health “Health Information Line.””
<b>6.3.1(A)(7)</b>	<ul style="list-style-type: none"> <li>Added “and to the HIE,” and changed “resolving” to “addressing their”</li> <li>Changed “will” to “must”</li> <li>Changed “RI HIE” to “RHIO and/or HIE”</li> <li>Added “any such” and “they receive”</li> <li>Added “any”</li> <li>Changed “will” to “shall”</li> <li>Removed sections (d), (e), (f), (g), (j), and (k)</li> </ul>
<b>6.3.1(A)(7)(d)</b>	Removed “written”
<b>6.3.1(A)(7)(e)</b>	Added “and the patient shall be informed of the current status and disposition of the complaint.”
<b>6.3.2(A)</b>	Added “and RIDOH”
<b>6.3.2(A)(1)</b>	Changed “Participant” to “Patient” and removed “healthcare provider, health plan, and individual”
<b>6.3.2(A)(4) and (6)</b>	Sections removed
<b>6.3.2(A)(7)</b>	Changed “a person” to “individuals”
<b>6.3.2(A)(9)(a)</b>	<ul style="list-style-type: none"> <li>Removed “staff”</li> <li>Changed “review” to “ensure that”</li> <li>Changed “completed” to “submitted”</li> <li>Added “is reviewed”</li> </ul>
<b>6.3.2(A)(11)</b>	<ul style="list-style-type: none"> <li>Added “and”</li> </ul>
<b>6.3.2(B)</b>	Remove “utilize a committee structure that”
<b>6.3.2(C)</b>	<ul style="list-style-type: none"> <li>Changed “access” to “request and obtain from”</li> <li>Added “copies of”</li> <li>Added “from data-submitting partners, and, if separate, their data-submitting partners’ opt out notices”</li> <li>Removed “which will be posted on the RHIO’s websites. The Notice of Privacy Practices will be written in plain language and will contain applicable information such as: the uses and disclosures of PHI through the HIE, patient participants’ individual rights, the RHIO’s responsibilities regarding the privacy of patient participants’ information and the complaint process.”</li> </ul>
<b>6.3.2(D) and (E)</b>	Removed sections

<b>6.3.2(D)</b>	<ul style="list-style-type: none"> <li>Added “or HIE”</li> <li>Changed “RHIO” or “voluntarily dissolving entity”</li> <li>Changed “will give” to “must provide notice to”</li> <li>Removed “The Department has a contractual right of first refusal to purchase only the assets comprising the HIE at the appraised value.”</li> <li>Added "at least" and "prior to the voluntary dissolution"</li> </ul>
<b>6.3.2(E)</b>	<ul style="list-style-type: none"> <li>Changed “either of the above” to “dissolution, either voluntary or involuntary,”</li> <li>Added “and HIE”</li> <li>Changed “the protected health information in its” to “any protected healthcare information in their”</li> <li>Added “to the extent such transfer is required of either entity”</li> </ul>
<b>6.3.3(A)</b>	Added “as defined in 45 C.F.R Part 160.103”
<b>6.3.3(A)(1)</b>	<ul style="list-style-type: none"> <li>Changed to 6.3.3(B)</li> <li>Changed “RHIO” to “HIE vendor”</li> </ul>
<b>6.3.3(A)(2) through (4)</b>	Removed sections
<b>6.3.3(A)(5)</b>	<ul style="list-style-type: none"> <li>Changed to 6.3.3(C)</li> <li>Removed “end user”</li> <li>Changed “end user” to “provider participant accessing the data”</li> <li>Added “including R.I. Gen. Laws § 5-37.7-10.”</li> </ul>
<b>6.3.3(D)</b>	<ul style="list-style-type: none"> <li>Relocated text from 6.4(F) and removed (8).</li> </ul>
<b>6.3.5</b>	Removed “when the patient’s health information can be obtained from other sources”
<b>6.4(A)</b>	Removed section and relocated § 6.4(B) and revised wording
<b>6.4(C)</b>	Changed HIE Advisory Commission term length from two years to three years.
<b>6.4(D)</b>	Added “and HIE vendor”
<b>6.4(E)</b>	Removed “and shall not vote on any recommendations regarding the use of confidential health information unless a quorum is present.”
<b>6.4(F)</b>	<ul style="list-style-type: none"> <li>Added “Director of Health shall be informed by the”</li> <li>Added “or HIE vendor”</li> </ul>
<b>6.4(G)</b>	Replaced existing wording with “The HIE Advisory Commission shall review and provide recommendations to the Director or a representative of the Director on processes for reviewing requests for the confidential healthcare information contained within the HIE, and shall provide new recommendations when a request represents a novel purpose for using the confidential healthcare information.”
<b>6.4(H)</b>	Removed “but not limited to”
<b>6.5.1(A)(1)</b>	<ul style="list-style-type: none"> <li>Removed “from the HIE by:”</li> <li>Removed sections (a) through (e)</li> </ul>
<b>6.5.1(A)(2)</b>	<ul style="list-style-type: none"> <li>Changed “The forms along with information about where to submit the form shall be publicly available through posting on the HIE website;” to “The RHIO shall provide instructions to request a disclosure report on its website”</li> </ul>
<b>6.5.1(A)(2)(a)</b>	Reworded for clarity and added “within sixty (60) days of the request, in accordance with applicable law.”
<b>6.5.1(A)(2)(b)</b>	Changed “enrollee” to “requester” and added “The requester must be notified if the RHIO requires an additional thirty (30) days.”
<b>6.5.1(A)(2)(c)</b>	Changed “history” to report”
<b>6.5.1(A)(3)</b>	Revised R.I. Gen. Laws citation

<b>6.5.1(A)(4)</b>	Removed “to the RHIO”
<b>6.5.1(A)(4)(a)</b>	Changed “HIE” to “RHIO”
<b>6.5.1(A)(4)(c)</b>	<ul style="list-style-type: none"> <li>• Changed “HIE” to “RHIO”</li> <li>• Removed “a multitude of”</li> </ul>
<b>6.5.1(A)(4)(d)</b>	Changed “consent decisions of any type” to “Opt-out forms” and “recorded or indicated” to “completed.”
<b>6.5.1(A)(5)</b>	<ul style="list-style-type: none"> <li>• Changed “completed” to “validly submitted”</li> <li>• Changed “revoked” to “reversed”</li> <li>• Added “The RHIO shall make”</li> <li>• Added “publicly available”</li> <li>• Changed wording to require the form and methods of reversing an opt out decision to be made available through the RHIO and by phone.</li> </ul>
<b>6.5.1(A)(6)</b>	<ul style="list-style-type: none"> <li>• Reworded for clarity</li> <li>• Changed “will” to “shall”</li> <li>• Added “will receive a notification when the opt-out form becomes effective”</li> </ul>
<b>6.5.1(A)(6)(a)</b>	<ul style="list-style-type: none"> <li>• Added “or HIE”</li> <li>• Added “pursuant to R.I. Gen. Laws § 5-37.7-7(b)(1).”</li> </ul>
<b>6.5.1(A)(7)</b>	Changed “HIE” to “RHIO”
<b>6.5.1(A)(8)</b>	Removed “medical”
<b>6.5.2</b>	Added “system”
<b>6.5.3</b>	Removed section
<b>6.5.3(A)</b>	<ul style="list-style-type: none"> <li>• Changed “or” to “and”</li> <li>• Added “shall” and “as may be”</li> </ul>
<b>6.5.3(B)</b>	<ul style="list-style-type: none"> <li>• Added “or this Part”</li> <li>• Added “and HIE vendor”</li> </ul>
<b>6.5.3(C)</b>	<ul style="list-style-type: none"> <li>• Added “or this Part”</li> <li>• Added “and HIE vendor”</li> <li>• Added “pursuant to § 6.3.3(A)(5) of this Part”</li> </ul>
<b>6.5.3(D)</b>	<ul style="list-style-type: none"> <li>• Added “and HIE vendor”</li> <li>• Removed “requesting”</li> <li>• Changed “participant’s health” to “confidential healthcare”</li> </ul>
<b>6.5.3(E)</b>	<ul style="list-style-type: none"> <li>• Removed “pursuant to § 6.5.1 of this Part”</li> <li>• Removed “on forms which are provided by the RHIO”</li> <li>• Changed internal citation</li> <li>• Removed “Requests to opt out from the HIE shall be made in accordance with § 6.5.1(A)(6) of this Part.”</li> </ul>
<b>6.5.5</b>	Removed section
<b>6.5.4</b>	Added section titled “Requests for Confidential Healthcare Information for Analytic or Research Purposes”
<b>6.6, 6.7, and 6.8</b>	Sections deleted