

**2019 SHIN-NY Policy Revisions Reflected in SHIN-NY Privacy and Security Policies and Procedures for QEs and their Participants V 3.7**

In 2019, the SHIN-NY Policy Committee focused on moving away from a consent model that is specific to individual Qualified Entities (“QEs”) and towards a consent model that addresses the Statewide Health Information Network for NY (“SHIN-NY”) as whole. Accordingly, the Policy Committee adopted a consent recognition policy change to the Privacy and Security Policies and Procedures for Qualified Entities and their Participants in New York State (the “SHIN-NY Policies”). The Policy Committee also approved in principle a new SHIN-NY Consent form, which will be implemented over two years. In addition, the Policy Committee adopted changes regarding disclosures to death investigators and death notifications.

The following table sets forth the revisions to the SHIN-NY Policies that have been approved by the New York State Department of Health (“DOH”) and released in V 3.7 of the SHIN-NY Policies.

<b>Issue</b>	<b>Summary</b>	<b>Status</b>
Consent Recognition (§ 1.3.5)	QEs must disclose information based on a consent form that names another QE, so long as the form and the disclosure otherwise complies with SHIN-NY rules.	Released in V3.7 by DOH March 13, 2020.
SHIN-NY Consent Form (Appendices)	The new model consent form indicates that the patient is consenting to disclosures via the SHIN-NY, rather than a particular QE (names of particular QEs would still appear on the form as a point of contact). Form allows for a “one and done” approach – patient can consent to disclosures to all participants in the SHIN-NY, but also has the option to limit disclosure to an individual or smaller number of participants.	Approved in principle with a two-year implementation period and subject to further revisions if required.  QEs will continue to use the current SHIN-NY Model Consent Form or Alternative Form meeting the requirements of the Model Consent Form (§ 1.3.2) until an implementation date has been established and approved by DOH.
Disclosures to Death Investigators (§ 1.2.12)	Consent is not required for disclosures to death investigators for purposes of determining cause of death if the recipient is a licensed physician or nurse	Released in V3.7 by DOH March 13, 2020.

Issue	Summary	Status
	<p>practitioner (who may be a medical examiner or coroner) and only minimum necessary amount of information is disclosed. Unlicensed coroners may not receive information under this exception. In addition, facilities subject to the Mental Hygiene law may only disclose if the facility has requested such investigation and the recipient is a medical examiner or licensed coroner.</p>	
<p>Death notifications (§ 1.2.11)</p>	<p>Consent is not required for the disclosure of a death notification if recipient is a participant that provided treatment or care management to the patient, or a payer that provided health coverage to the patient. Notification can include date and time of death but cannot include information on diagnosis and treatments or location of death, unless written consent is obtained.</p>	<p>Released in V3.7 by DOH March 13, 2020.</p>
<p>Authentication requirements (§ 3.2)</p>	<p>Outdated language on authentication removed and replaced with a requirement to authenticate in accordance with more recent NIST technical standard.</p>	<p>Released in V3.7 by DOH March 13, 2020.</p>