



**Trinity Health ACO Policy No. 13**

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**EFFECTIVE DATE: June 1, 2016**

**POLICY TITLE:**

***Data Access and Use***

**REVIEW BY: May 30, 2019**

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**POLICY**

Trinity Health ACO and its Chapters, Participants, and Preferred Providers (collectively "Trinity Health ACO") will comply with all laws and requirements pertaining to the use of protected health information, including data provided by the Centers for Medicare and Medicaid Services ("CMS") for participation in the Next Generation ACO ("NGACO") Model.

**PROCEDURE**

1. Trinity Health ACO and its Participants and Preferred Providers will establish appropriate administrative, technical and physical safeguards to protect the privacy and security of Protected Health Information ("PHI") of Beneficiaries in accordance with the Health Portability and Accountability Act ("HIPAA").
2. Trinity Health ACO will execute a Data Use Agreement ("DUA") with CMS prior to the disclosure of data received from CMS to ensure compliance with applicable legal and regulatory requirements, including the Privacy Act, the Privacy Rule, and CMS data release policies.
3. Trinity Health ACO will comply with requirements under the DUA and other standards for the privacy of individually identifiable health information and the security standards for the protection of electronic PHI in accordance with HIPAA and the Health Information Technology for Economic and Clinical Health Act ("HITECH").
4. Trinity Health ACO will only use CMS provided data to develop and implement activities related to the clinical treatment, care management and coordination, quality improvement activities, and provider incentive design and implementation for Beneficiaries. To this end, the data may be shared and used within the legal confines of Trinity Health ACO and its Participants.
5. Trinity Health ACO may reuse original or derivative data for purposes stated in #4, but shall not disseminate original or derived data, with or without direct identifiers, to anyone who is not covered by the Trinity Health DUA with CMS. Trinity Health ACO may disseminate and link information derived from the CMS data to other sources of individually-identifiable (patient-specific) health information, such as medical records, unless expressly prohibited by the Beneficiary.

6. When using or disclosing PHI or personally identifiable information obtained under the DUA, Trinity Health ACO will make reasonable efforts to limit the information to the minimum necessary to accomplish the intended purpose of the use, disclosure or request. Users shall limit disclosure of information to the established Privacy Act “routine uses,” which are categories established by the Privacy Act which dictate the types of uses under which data can be disclosed.

## DEFINITIONS

**Beneficiary** means an individual enrolled in Medicare who is aligned to the ACO for a given performance year during the term of the NGACO Model Participation Agreement.

**Chapters** mean those organizations participating in Trinity Health ACO and those physicians and providers located in proximity to a participating organization that have signed a Participation Agreement with Trinity Health ACO.

**Participants** means a Medicare enrolled provider or supplier that is identified on the required Participant List and, pursuant to a written agreement, has agreed to participate in Trinity Health ACO.

**Participant List** means the list that identifies each Participant that is approved by CMS for participation in Trinity Health ACO, as updated from time to time in accordance with the NGACO Model Participation Agreement.

**Preferred Provider** means an individual or entity that is a Medicare enrolled provider or a supplier that is identified on the Preferred Provider List and, pursuant to a written agreement, has agreed to participate in Trinity Health ACO.

**Preferred Provider List** means the list of Preferred Providers that are approved by CMS for participation in Trinity Health ACO, as updated from time to time in accordance with the NGACO Model Participation Agreement.

## POLICY CONTACT

For questions regarding this policy, please contact the Trinity Health ACO's Legal or Integrity & Compliance Departments.

## RELATED PROCEDURES AND OTHER MATERIALS

- NGACO Model Participation Agreement section VI. Data Sharing and Reports
- CMS Data Use Agreement

## APPROVALS

**Initial Approval:** Trinity Health ACO Leadership & Operations Team – May 26, 2016

**Subsequent Review/Revision(s):** *[insert dates of all subsequent reviews/revisions]*