

2020 SHIN-NY Policy Changes Reflected in SHIN-NY Privacy and Security Policies and Procedures for QEs and Their Participants V3.8: Summary Chart

Issue	Summary	Status
DOH emergency authority (§ 1.11)	DOH has the authority to waive provisions of the SHIN-NY Policies during a public health emergency if waiver assists QEs or Participants in responding to the emergency and DOH provides public notice of the waiver.	Approved by Policy Committee on April 22 and NYeC board on July 29; Approved by DOH and released on February 23, 2021
Government agencies as data suppliers (Definitions, § 1.9.10)	Government agencies may be data suppliers to the SHIN-NY. Such agencies are not required to enter into business associate agreements with the SHIN-NY if they are not HIPAA covered entities.	Approved by Policy Committee on April 22 and NYeC board on July 29; Approved by DOH and released on February 23, 2021.
CBO Participation (Definitions, § 8.3)	Community-based organizations that are not covered entities may participate in the SHIN-NY so long as they follow several requirements, including compliance with the HIPAA security rule and obtaining SHIN-NY information based solely on written consent.	Approved by Policy Committee on May 20 and NYeC board on July 29; Approved by DOH and released on February 23, 2021
Life insurance disclosures (§ 1.8.2)	Life insurers may obtain SHIN-NY information if they have a Level 1 or alternative consent (no longer required to have a Level 2 consent). 72-hour patient notification requirement changed to two-business day confirmation.	Consent form revision approved by Policy Committee on May 20. Patient notification revision approved by Policy Committee on June 25. Approved by NYeC board on July 29; Approved by DOH and released on February 23, 2021
Telehealth (§ 1.2.13)	Participants engaging in telehealth may access SHIN-NY data based on a verbal consent under certain circumstances.	Policy Committee approved most of the proposed provision on Sept. 29; revised language on durability approved on Oct. 22. Approved by NYeC board on Dec.1; Approved by DOH and released on February 23, 2021
HEDIS/QARR reporting (§ 1.2.10)	Provision that permits Participants to disclose to DOH's Medicaid program without written consent would be expanded to disclosures to any payer for purposes of HEDIS/QARR reporting.	Approved by Policy Committee on Oct. 22. Approved by NYeC board on Dec. 1; Approved by DOH and released on February 23, 2021
Disclosures to patients and apps (§§ 5.2 and 5.3)	Section 5 regarding disclosures to patients would be changed in several important ways. Barriers to disclosures from QEs directly to patients would be removed. In addition, disclosures to patient-held apps would be permitted once certain safeguards are followed, in expectation of complying with information blocking rules.	Approved by Policy Committee on Nov. 20. Approved by NYeC board on Dec. 1; Approved by DOH and released on February 23, 2021