

# Network Data Sharing Resource

December 2018



- Types of Information Exchange:

- Partner to Partner to support referral to services
- Among all Network Partners to support network activities such as Case Conferencing, evaluation of cohort outcomes, etc.

- Disclaimer:

“The information contained in this document is for general guidance only and not for the purpose of providing legal advice. The application and impact of laws can vary widely based on the specific facts involved. Given the changing nature of laws, rules, and regulations, there may be delays, omissions, or inaccuracies in information contained in this document. You should contact your attorney to obtain advice with respect to any particular information sharing scenario.”

# Network Data Sharing

## Can VLCs Share PHI with Network Partners?

Type of Data	Purpose	Requirements	Aggregated or De-identified	PHI Level
Data from Clinical Partners	Referral for Services	None (Because HIPAA allows an exception for treatment)	N/A	Yes Excludes Part 2 protected SUD
Data from Clinical Partners	Network Activities	BAA (Because HIPAA allows an exception for Business Associates)	Yes	Yes Excludes Part 2 protected SUD
Data from Mental Health Providers	Referral for Services	None (Covered under NY MHL)	N/A	Yes
Data from Mental Health Providers	Network Activities	BAA (Covered under NY MHL)	Yes	Yes
Data from SUD Providers ("Part 2")	Referral for Services	Patient Consent	N/A	Yes
Data from SUD Providers ("Part 2")	Network Activities	QSOA or Patient Consent	Yes	Yes
Social Data from Partners (not HIPAA Covered Entities)	Referral for Services	None	N/A	Yes
Social Data from Partners (not HIPAA Covered Entities)	Network Activities	BAA recommended	Yes	Yes

# Definitions

Term	Definition
SUD	Substance Use Disorder
HIPAA Covered Entity	An organization that is required to follow the HIPAA standards, including health care providers, health plans, and health care clearinghouses (which process health care data).
BAA	Business Associate Agreement. Business Associates of Covered Entities must follow the HIPAA standards.
NY MHL	NY Mental Health Law. See the CCN Privacy Memo for a summary of relevant parts.
Part 2	Refers to Code of Federal Regulations (CFR) Part 2, which governs disclosure and use of patient records generated by treatment at a federally assisted drug and/or alcohol treatment provider.
QSOA	Qualified Service Organization Agreement. A QSO is an organization that is specifically authorized to receive SUD data from a Part 2 provider through a QSOA. The QSOA is similar to a BAA, but has extra protections on the data.