CMS Interoperability and Patient Access Final Rule

Member Education

According to the Centers for Medicare and Medicaid Services (CMS), the "*Patient Access Rule puts patients first by giving them access to their health information when they need it most, and in a way they can best use it.*" As a result of this Rule, Magellan is required to implement and maintain a secure Application Programming Interface (API) website that allows patients to easily access their claims and encounter information, including cost, as well as some types of clinical information through 3rd Party Applications selected by the patient. Magellan is also required to make Provider Directory information publicly available through a standard website. More information is available at https://www.cms.gov/newsroom/fact-sheets/interoperability-and-patient-access-fact-sheet.

FAQs

1. **What is API?**
    - API means Application Programming Interface.
2. **What is a 3rd Party Application?**
    - *An Application that was not created by Magellan.*
3. **How will I get the 3rd Party Application?**
    - You can choose from different Applications available in the My Member Account section. This can be found under Member Materials on the Magellan of Louisiana website
4. **Can I get it on my Smart Phone?**
    - Yes
5. **Do I need to do anything?**
    - No. You do not need to do anything. You will only need to do something if you want to let the 3rd Party Application get your information.
6. **Why do you need my consent/permission?**
    - The law lets you choose the application that is best for getting your electronic health information (EHI).
7. **What is the consent/permission for?**
    - This is to let Magellan give your information to the 3rd Party Application that you chose.
8. **Can I Remove/Revoke my Consent?**

- Yes. You can log on to the Member Account. There is a button on the dashboard that says revoke access. Click this button to no longer give permission to the 3rd party applications to see your EHI.

9. Are you tracking who I gave consent to?

- Yes. You may see which applications you have given consent to in My Member Account.

10. Can my caregiver get access to my data using this?

- No. No one can see your information unless you tell us that they can.

11. What type of information is available and shared if I give my consent?

- Claims
- Payments
- Provider information
- Eligibility
- Patient history

12. Can I see the information?

- Yes. You gave your permission to a 3rd party application. You can use this application to see your information.

13. Can I get a copy of all the information available through the API?

- Yes. You can use the 3rd Party Applications. You gave them your permission.

14. Can me or my doctor use the API site to ask for prior authorizations?

- No.

15. How do I access the Provider Directory?

- You will be able to use the 3rd Party Application you chose. You do not need to give permission for this.

16. How is this Provider Directory different?

- It was created by Magellan to share information with 3rd Party Applications.

17. Who should I contact if some of the information about my health information is not correct?

- Contact Magellan of Louisiana Member Services at 1-800-424-4489.

18. Who should I contact if I have general questions about this FAQ?

- Contact Magellan of Louisiana Member Services at 1-800-424-4489.

19. Who should I contact if I have questions about technical support?

- Contact Interoperability@magellanhealth.com

20. Did Magellan get any notice or attestation from all the 3rd Party Applications listed on the Magellan API web site?

- No, but Magellan requires all 3rd Party Applications listed on the Magellan Interoperability Portal to abide by CARIN code of conduct, set forth by CARIN alliance. It is best for you to know all the risks that can happen when giving permission to 3rd Party Applications. We strongly recommend that you carefully look at each document before you give permission to these 3rd Party Applications. You can also let someone else who has permission to do so look at the documents.

21. What are important things I should know or consider before I give my permission to a 3rd Party Application (App) to collect my health information?

According to the Centers for Medicare and Medicaid Services (CMS),[1] it is important for patients to take an active role in protecting their health information. Patients should look for an easy-to-read privacy policy that clearly explains how the App will use their data. If an App does not have a privacy policy, we recommend that you do not use the App. Patients should consider:

- What health data will this App collect?
- Will this App collect non-health data from my device, such as my location?
- Will my data be stored in a de-identified or anonymized form?
- How will this App use my data?
- Will this App disclose my data to third parties?
    - Will this App sell my data for any reason, such as advertising or research?
    - Will this App share my data for any reason? If so, with whom? For what purpose?
- How can I limit this App's use and disclosure of my data?
- What security measures does this App use to protect my data?
- What impact could sharing my data with this App have on others, such as my family members?
- How can I access my data and correct inaccuracies in data retrieved by this App?
- Does this App have a process for collecting and responding to user complaints?
- If I no longer want to use this App, or if I no longer want this App to have access to my health information, how do I terminate the App's access to my data?
    - What is the App's policy for deleting my data once I terminate access? Do I have to do more than just delete the App from my device?
- How does this App inform users of changes that could affect its privacy practices?

If the App's privacy policy does not clearly answer these questions, patients should reconsider using the App to access their health information. Health information is very sensitive information, and patients should be careful to choose Apps with strong privacy and security standards to protect it.

22. What are a patient's rights under the Health Insurance Portability and Accountability Act (HIPAA) and who must follow HIPAA?

The U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) enforces the HIPAA Privacy, Security, and Breach Notification Rules, and the Patient Safety Act and Rule. You can find more information about patient rights under HIPAA and who is obligated to follow HIPAA here: https://www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html

Information about the HIPAA FAQs for Individuals is available here: https://www.hhs.gov/hipaa/for-individuals/faq/index.html

23. Are 3rd Party Applications covered by HIPAA?

Most 3rd Party Applications will not be covered by HIPAA. Most 3rd Party Applications will instead fall under the jurisdiction or authority of the Federal Trade Commission (FTC) and the protections provided by the FTC Act. The FTC Act, among other things, protects against deceptive acts (e.g., if an App shares personal data without permission, despite having a privacy policy that says it will not do so).

The FTC provides information about mobile app privacy and security for consumers here: https://www.consumer.ftc.gov/articles/0018-understanding-mobile-apps

[1] See Page 2 for the source of the information @ https://www.cms.gov/files/document/patient-privacy-and-security-resources.pdf

24. **What should a patient do if they think their data have been breached or an App has used their data inappropriately?**
    If you think your data may have been breached or an App has used your data inappropriately, please contact our internal privacy office at **Compliance@MagellanHealth.com**.

    To learn more about filing a complaint with OCR under HIPAA, visit:
    https://www.hhs.gov/hipaa/filing-a-complaint/index.html

    Individuals can file a complaint with OCR using the OCR complaint portal:
    https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf

    Individuals can file a complaint with the FTC using the FTC complaint assistant:
    https://www.ftccomplaintassistant.gov/#crnt&panel1-1