CMS INTEROPERABILITY AND PATIENT ACCESS

MEMBER EDUCATION

CMS published a federal rule in May 2020. This Rule made it easier for members to manage their digital and electronic health records. The Interoperability and Patient Access Rule (CMS-9115-F) allows members to get their health records when they need it most.

This Rule requires Magellan to implement and maintain a secure Application Programming Interface (API) website. This website allows members to easily access their claims. Members can also access their encounter information. Cost and clinical information are examples of the information available.

The Rule allows you to use an app from a 3rd party developer. This app helps to look up your health information. Visit the Magellan Health Member Consent Portal and:

- Sign in to view a list of approved 3rd party applications
- Download the application to your mobile phone (Android or iOS)
- Manage your health care information from there.

Magellan is also required to make Provider Directory information publicly available. Magellan does this through a standard website. More information about the federal rule is available here.

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 our Member Portal.

4. **Can I get it on my smart phone?**
   - Yes.

5. **Do I need to do anything?**
   - You do not need to do anything different unless you want to give your consent for 3rd Party applications to get your health information from the Magellan API.

6. **Why do you need my consent/permission?**
   - The law allows patients to choose which 3rd Party application is best for collecting all or part of the patient's electronic health information (EHI).

7. **What is the consent/permission for?**
   - When you give Magellan your consent, it means that Magellan can disclose or release your EHI to another 3rd Party API that you selected.

8. **Can I remove/revoke my consent?**
   - Yes. A member may login to the Member Portal. On the dashboard you may click on the revoke access button. This will then remove/revoke consent given to applications for accessing EHI.

9. **Are you tracking who I gave consent to?**
   - Yes. You may see which applications you have given consent to in the Member Portal.

10. **Can my caregiver get access to my data using this?**
    - No. Unless you give them your consent to act on your behalf as your authorized representative.

11. **How many years will my health information go back?**
    - You will have access to health information with a date of service on or after January 1, 2016.

12. **Can I access my health information if I go to a different health plan or provider?**
    - Yes. You will be able to access your health information no matter what health plan or provider you see.

13. **What health data will the app collect?**
    - It depends on the app you choose. Some apps will collect your health data. This may include, but is not limited to: information about claims, medications, diagnoses, procedures, doctor visits. You give the app permission to collect your health information when you sign up for it. The app's Notice of Privacy Practices (NPP) should tell you what information it collects.

14. **Will the app collect non-health data from my device, such as my location?**
    - The app's NPP should tell you what information it collects. Apps do have the ability to collect non-health data. An example of this is your location. Some apps give you the option to provide that information. We suggest that you ask your app provider.

15. **Does sharing my data with this app have an impact on my family members?**
    - If you are the authorized representative for other family members, upon receipt of a request from you, you may be able to view the record of the family member on whose behalf you are authorized to act on through the app you selected.

16. **How do I correct mistakes in my health data?**
    - You will need to contact the provider who created the record. The app only makes data available from healthcare sources. The app does not create this data.

17. **What are my rights when it comes to my data collected on this app?**
    - We suggest that you request a NPP from the app provider to understand your rights.

18. How do I stop sharing my data?
- You can stop sharing the data by using any of the following steps:
    i. Log in to the Member Portal and select the revoke access function; or
    ii. Contact the customer service department of the app you selected.

19. Can I see the information?
- Yes, by using 3rd Party applications you have provided consent to.

20. Can I get a copy of all the information available through the API?
- Yes, by using 3rd Party applications you have provided consent to.

21. Can me or my doctor use the API site to ask for prior authorizations?
- No.

22. How do I access the provider directory?
- The 3rd Party applications will have access to the Provider Directory API. You will not need to provide consent for a 3rd Party application to access the Provider Directory API.

23. How is this provider directory different?
- The Provider Directory API has been created by Magellan to provide data for the 3rd Party applications to use.

24. Who should I contact if some of the information about my health information is not correct?
- Contact Magellan's Member Services at:
    i. 1-855-883-8740
    ii. WyClinical@magellanhealth.com

25. Who should I contact if I have general questions about this FAQ?
- Contact Magellan's Member Services at:
    i. 1-855-883-8740
    ii. WyClinical@magellanhealth.com

26. Who should I contact if I have questions about technical support?
- Contact Interoperability@magellanhealth.com

27. Did Magellan get any notice or attestation from all the 3rd Party applications listed on the Magellan API website?
- No, but Magellan requires all 3rd Party applications listed on the Portal to abide by the CARIN Code of Conduct, set forth by the CARIN Alliance. It is in the Member's best interest to be fully aware of the risks associated with releasing data to these 3rd Party applications. Magellan strongly recommends that you review each Member Consent document that is published by the app before you give your consent to these 3rd Party applications.

28. 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 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 <u>do not use</u> 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 sensitive information. Patients should be careful to choose Apps with strong privacy and security standards.

29. What are a patient's rights under 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

30. 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 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://consumer.ftc.gov/articles/how-protect-your-privacy-apps

31. 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 by contacting the FTC at **1-877-FTC-HELP or ftc.gov/complaint**

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