

Wyoming Administrative Rules

Health, Department of

Wyoming Frontier Health Information Exchange (WYFI) Program

Chapter 1: Wyoming Frontier Health Information Exchange

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Chapter 1
Wyoming Frontier Health Information Exchange

Section 1. Authority. The Wyoming Department of Health (the Department) promulgates this Chapter pursuant to the authority granted in Wyoming Statute § 9-2-106(a)(vii) and W.S. § 9-2-131.

Section 2. Purpose and Applicability.

(a) The Department adopts this Chapter to govern the establishment and operation of the Wyoming Health Information Exchange by the Wyoming Frontier Health Information Program (“WYFI”). This Chapter establishes how data is used, stored, and exchanged between participants and authorized users. It also establishes the Department’s collection of reasonable participation fees for use of the Health Information Exchange.

(b) The Department may issue manuals and bulletins to participating providers and other affected third parties to interpret the provisions of this Chapter. Such manuals and bulletins shall be consistent with and reflect the provisions contained in this Chapter.

Section 3. Definitions.

(a) Except as otherwise specified, the terminology used in this Chapter is the standard terminology and has the standard meaning used in healthcare, including the Health Insurance Portability and Accountability Act (HIPAA) and Health Information Technology for Economic and Clinical Health Act (HITECH).

(b) For the purpose of these rules and regulations, the following definitions shall apply:

(i) “Authorized User” means an individual or entity authorized by a participant or the WYFI to use the Health Information Exchange for a permitted use as outlined in the WYFI Policy and Procedure Manual.

(ii) “Data” means protected health information, or information that identifies a patient that is used, stored, or exchanged between participants and authorized users with the Health Information Exchange.

(iii) “Health Information Exchange” means the system operated by the WYFI that allows participants and authorized users to electronically use, store, or exchange data.

(iv) “Participant” means an entity that has entered into a participant agreement with the WYFI to use the Health Information Exchange.

(v) “Patient” means an individual who has received or will receive treatment for healthcare services from a WYFI participant, authorized user, from authorized users of other health information exchanges, or whose records are stored in a public health registry.

Section 4. General Provisions.

(a) The Health Information Exchange is established as a federated data repository that facilitates the exchange of data among participants and authorized users, including other health information exchanges and public health registries.

(b) This Chapter is intended to implement and be read in conjunction with applicable Wyoming Statutes and federal law.

Section 5. Collection and Exchange of Data.

(a) All data will be stored in a secure hosting facility provided by the WYFI contractor, with access regulated and controlled in accordance with state and federal laws, including HIPAA and HITECH.

(b) The Health Information Exchange will include data from participants contributing data unless a patient has opted out.

(c) All data used, stored, transmitted, or exchanged by the Health Information Exchange under this Chapter is not subject to disclosure under the Wyoming Public Records Act, Wyoming Statute §16-4-201(a)(v). This includes information accessible by the Department and assigned contractors.

Section 6. Participation and Health Information Exchange Access.

(a) Access and participation in the Health Information Exchange by participants and authorized users is voluntary.

(i) An agency, organization, facility, or other health information exchanges may apply to participate in the Health Information Exchange by submitting a request and then entering into a participant agreement with the WYFI.

(ii) A Department program, or a business associate, including those of a participant, may apply to participate in the Health Information Exchange as an authorized user by submitting a request.

(iii) All participants, authorized users, and their workforce members, agents, or contractors shall be required to electronically agree to the WYFI Health Information Exchange End User License Agreement (EULA) prior to accessing the Health Information Exchange data and services.

(b) Participants and authorized users that elect to participate in the Health Information Exchange shall notify their patients in writing and provide the opportunity for patients to opt-out of their data being used or exchanged with the Health Information Exchange.

Section 7. Use of Data.

(a) Participants and authorized users may only use the Health Information Exchange and data for the following purposes:

(i) For treatment, payment, and healthcare operations, as defined by HIPAA;

(ii) For any other use that is permitted or required under HIPAA, the WYFI Policy and Procedure Manual, or other applicable law governing the use and disclosure of data; or,

(iii) To facilitate the implementation of meaningful use criteria as required under the American Recovery and Reinvestment Act of 2009, the 21st Century Cures Act, and their related federal regulations, as permitted by HIPAA

(b) A participant shall not modify information submitted to the Health Information Exchange by another participant.

(c) The Department may use de-identified data for the purpose of analysis to inform policy and program funding needs, public health activities, and to conduct population health reporting.

(d) The Department may use data for treatment, payment, healthcare operations, public health activities, or patient safety.

(e) Use or disclosure of data not otherwise authorized by this Chapter requires a signed authorization from the patient or court order.

Section 8. Patient Requests to Opt-Out.

(a) Patients may request to opt-out of having their data in the Health Information Exchange by submitting a request to an active participant.

(b) The participant shall then forward the patient's opt-out request to WYFI.

(c) WYFI shall manage all patient opt-out requests.

(d) If a patient has elected to opt-out, all participants and authorized users shall not have access to that patient's data in the Health Information Exchange.

(e) A patient may elect to opt back in at any time by submitting a written request directly to WYFI.

Section 9. Patient Requests for Verification.

- (a) A patient who has opted out may submit a request to WYFI for verification that their data is properly excluded from the Health Information Exchange.
- (b) The written request shall contain:
 - (i) The name of the patient filing the request;
 - (ii) A statement requesting the WYFI review information and verify the patient's data is properly excluded from the Health Information Exchange;
 - (iii) The date of the patient's initial request to opt-out and any related communication from the WYFI or the participant;
 - (iv) Information explaining why the patient believes their data was not properly excluded from the Health Information Exchange.
- (c) Upon receipt of such a request, the WYFI shall review the request and verify whether the patient's data is properly excluded. WYFI shall complete the review within 20 days of receiving the request and respond to the patient, verifying their data is properly excluded from the Health Information Exchange.

Section 10. Participation Fees.

- (a) The Department shall assess reasonable participation fees for connection and access to the Health Information Exchange.
- (b) Fees shall be payable in the exact amount and are non-refundable.
- (c) The Department shall assess fees based on a participant or authorized user's taxonomy and usage category, which shall be determined by the Department upon initial connection or request for access.
- (d) The Department may periodically conduct revalidation of the participant or authorized user's category by requesting the resubmission of information provided at the time of initial connection.
 - (i) The Department may assess a different fee after revalidation is completed for participants who no longer qualify in their initial fee category.
 - (ii) The Department shall not revalidate participants more than once every year.
- (e) Unless otherwise specified, all participant categories shall be given full use of all functionality and features available to any participant.

(f) The fee schedule for connection and access to the WYFI Health Information Exchange shall be as follows:

Category	Pricing	Fee	Maximum Fees
Medicaid	Per member per year	\$2	No Max
Health Plans	Per member per year	\$2	No Max
Critical Access Hospitals and Surgical Hospitals	Per year	\$5,000	\$5,000
Hospitals of any type with twenty-six (26) to ninety-nine (99) beds	Per year	\$7,500	\$7,500
Hospitals of any type with over (100) beds		\$10,000	\$10,000
Hospice Facilities	Per year/ per location	\$250	\$250
Long--Term Care -Skilled Nursing Facilities and Nursing Home Facilities	Per year/ per location	\$250	\$250
Assisted Living Facilities	Per year/ per location	\$250	\$250
Federally Qualified Health Centers	Per year/ per location	\$250	\$250
Indian Health Services and Tribally Run Facilities	Per year	\$250	\$250
Rural Health Clinics	Per year/ per location	\$250	\$250
Pharmacy Facilities	Per year/ per location	\$250	\$250
Ambulance or Emergency Medical Services agencies connecting outside of the WDH-provided Emergency Medical Services and Trip reporting system	Per year	\$0	\$0
County Healthcare Facilities: for example jails and Public Health offices	Per year	\$250	\$250
Individual healthcare providers & multi-provider offices who contribute data to the Health Information Exchange	Per year/ per location	\$250	\$250
Individual healthcare providers & multi-provider offices who do not contribute data to the Health Information Exchange	Per licensed provider per year for access, up to a practice maximum	\$50	\$1,000
Mental Health and Substance Use Disorder Providers	Per licensed provider per year for access, up to a practice maximum	\$0	\$0
Non-Profits serving Social Determinants of Health services (SDOH)	Per year	\$0	\$0
Other authorized users who request access to the Health Information Exchange not already identified within this table	Per member per year or per custom quote	\$2	No Max
Emergency First Responders	Per year	\$0	No Max
Federal Healthcare Provision Agencies	Per year	\$0	No Max
Wyoming State Agencies or their contractors	Per year	\$0	No Max

Other Health Information Exchanges	Per Mutual Agreement	\$0	No Max
Patient Authorized Data Requests: for example the Social Security Administration	Per patient query	\$15	No Max

(g) Fees for participants or authorized users who request ad hoc data products or special reports shall be scoped on a case-by-case basis and quoted based upon the time needed to complete the project request.

(i) The WYFI shall deny requested data products or special reports that violate Section 7 of this Chapter governing the use of data.

(ii) The WYFI may delay or deny requested data products or special reports if it lacks the staffing or technical resources to complete the project request in a timely manner.

(h) The Department may adjust any of the fees listed in the schedule by three percent (3%) annually. Written notice of fee adjustments shall be given to participants affected. This section will be amended to reflect a total fee increase greater than fifteen percent (15%).

(i) The Department reserves the right to waive or lower fees as needed during emergencies or as alternate funding sources become available to cover the costs of administering and maintaining the Health Information Exchange.

(j) The Department reserves the right to not assess fees on other state entities and federal entities as defined in the WYFI Policy and Procedure Manual.