

900 KAR 9:010. Kentucky Health Information Exchange participation.

RELATES TO: KRS 194A.030(1)(d), 311.621(10), 42 C.F.R. Part 495, 45 C.F.R. 160.103, Part 164

STATUTORY AUTHORITY: KRS 194A.030, 194A.050(1), 205.520, EO 2018-325

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.030(1)(d) requires the Governor's Office of Electronic Health Information (GOEHI) within the Cabinet for Health and Family Services to improve patient care, reduce medical errors, and make more efficient use of health care dollars by reducing redundant services. EO 2018-325 abolished GOEHI and transferred its functions to the Office of Health Data and Analytics (OHDA) within the Cabinet for Health and Family Services. To support the health care delivery system using electronic information technology as directed by KRS 194A.030(1)(d) and EO 2018-325, the Office of Health Data and Analytics, Division of Health Information (DHI) has implemented the Kentucky Health Information Exchange (KHIE). This administrative regulation establishes the procedures for participation by health care providers in the KHIE.

Section 1. Definitions.

- (1) "CCD" means the Continuity of Care Document, which is:
 - (a) Defined by the Health Information Technology Standards Panel (HITSP); and
 - (b) Found in the HL7 Implementation Guide: CDA Release 2 - Continuity of Care Document (CCD).
- (2) "Edge services" means hardware and software technology used in the storage and transmission of participant data.
- (3) "Health care provider" is defined by KRS 311.621(10).
- (4) "HL7 transaction" means the specifications for electronic data exchange by health care environments as defined by HITSP.
- (5) "Interface" means the point of interaction or communication between the participant's health information system and the KHIE.

Section 2. Participation in the KHIE. In order to participate in the KHIE, the health care provider shall:

- (1) Have entered into an agreement, using:
 - (a) DHI - Form 1A, Kentucky Office of Health Data and Analytics, Division of Health Information, Hospital Participation Agreement;
 - (b) DHI - Form 1B, Kentucky Office of Health Data and Analytics, Division of Health Information, Other Provider Participation Agreement; or
 - (c) DHI - Form 1C, Kentucky Office of Health Data and Analytics, Division of Health Information, Pharmacy Participation Agreement;
- (2) Continue to operate under the agreement entered into under subsection (1) of this section without the agreement being terminated; and
- (3) Be:
 - (a) A covered entity as defined by 45 C.F.R. 160.103;
 - (b) The Kentucky Department for Medicaid Services; or
 - (c) The Kentucky State Laboratory, Division of Laboratory Services, Department of Public Health.

Section 3. Kentucky Health Information Exchange services. KHIE shall provide information sharing and software for the following:

- (1) A CCD interface using web services to support data exchange with participants;
- (2) Support for a standard series of HL7 transactions sent from the health care provider's health information system via secure edge services for storage and retrieval; and

(3) Collaboration with participants to support development of the interfaces required for participants to connect to KHIE.

Section 4. Participant responsibilities. Participants shall be responsible for building interfaces to connect to the KHIE.

Section 5. Data exchanged by the Kentucky Health Information Exchange. KHIE may exchange data and make data available consisting of patient admission, discharge and transfer systems, laboratory systems, diagnostic imaging systems, medication histories, allergies, and technologically available patient information required to support data exchange.

Section 6. Access to data by participants. Participants may access data through the KHIE as well as provide data through the KHIE for access by other participants.

Section 7. Access to other health information exchanges. DHI may establish arrangements with other health information exchanges to allow participants access to data permitted by DHI - Form 1A, DHI - Form 1B, or DHI - Form 1C.

Section 8. Recipient of Kentucky Health Information Exchange Services. A health care provider that is participating in the KHIE shall qualify to become a recipient of KHIE services upon:

- (1) Validation of any KHIE Go-Live transaction by the participant and DHI; and
- (2) The sending of electronic notification of Go-Live approval by DHI to the participant.

Section 9. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) DHI - Form 1A, "Kentucky Office of Health Data and Analytics, Division of Health Information, Hospital Participation Agreement", January, 2019;
 - (b) DHI - Form 1B, "Kentucky Office of Health Data and Analytics, Division of Health Information, Other Provider Participation Agreement ", January, 2019;
 - (c) DHI - Form 1C, "Kentucky Office of Health Data and Analytics, Division of Health Information, Pharmacy Participation Agreement", January, 2019; and
 - (d) "HL7 Implementation Guide: CDA Release 2 - Continuity of Care Document (CCD)", April 01, 2007.

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(38 Ky.R. 2121; 39 Ky.R. 770; eff. 10-17-2012; TAm eff. 9-15-2014; 45 Ky.R. 2210, 2683; eff. 3-13-2019; Crt eff. 1-26-2026.)