

SENSITIVE INFORMATION POLICY

This Sensitive Information Policy (“Policy”) applies to all Services provided by Collective Medical Technologies, Inc. (“CMT”) pursuant to a Master Subscription Agreement (“Underlying Agreement”) and may be updated or amended by CMT from time to time in its sole discretion.

- A. CMT administers the Services to support the exchange of information among health care organizations who have entered into the Underlying Agreement (“Subscribers”). The Subscriber is a health care organization which has entered into the Agreement and uses the Services.
- B. “Sensitive Information” is Patient Data which falls into one of the following categories: (a) Psychotherapy Notes, (b) Alcohol and Drug Treatment Program Information, (c) Mental Health Information, or (d) Sexually Transmitted Disease Information, in each case as defined in this Policy.
- C. Sensitive Information may only be included in Patient Data uploaded to the Patient Data Repository and requested for disclosure by a Subscriber or User through the Network in compliance with this Policy. Any upload of Sensitive Information, access or attempted access to Sensitive Information, or request for Sensitive Information made using the Services in violation of this Policy is a material breach of the Underlying Agreement and may violate applicable federal and/or state laws, or ethical or licensure obligations of a Subscriber or User.
- D. This Policy applies to the use of the Services by all Subscribers and Users in the States of Oregon and Washington, and is in addition to all other policies and requirements for use of the Network.

1. Psychotherapy Notes

- (a) **Definition under HIPAA.** Psychotherapy Notes are notes recorded (in any medium) by a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session, and that are separated from the rest of the individual's medical record.

Psychotherapy notes **excludes** medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the patient’s diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

- (b) **No Psychotherapy Notes in the Services.** Psychotherapy Notes may not be uploaded into or requested through the Services.

2. Other Mental Health Information

- (a) **Definition of Mental Health Information.**

Mental Health Information is any information or records compiled, obtained, or maintained in the course of providing services by a Mental Health Services Agency or Mental Health Professional to individuals who are receiving or have received services for Mental Illness. Mental Health Information includes clinical information and records, but may also include social services and related types of services provided to such individuals.

Mental Illness includes any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions.

A Mental Health Service Agency is a public or private agency that provides services to persons with Mental Illness, including mental health evaluation and treatment, community mental health services and programs, and facilities conducting competency evaluations and related services.

A Mental Health Professional is an individual licensed or certified to provide services including diagnosis and treatment of Mental Illness, and to provide other types of services to individuals with Mental Illness which are required to be licensed or certified in their applicable state.

For a general health care facility, Mental Health Information is limited to information about or based on services provided by a Mental Health Professional, or information created by a Mental Health Services Agency which is a unit of the facility.

(b) **Sharing Mental Health Information in the Services.**

- (1) Mental Health Information may only be uploaded, accessed or requested for purposes of providing health care to or care coordination services for the individual who is the subject of the information.
 - a. For purposes of providing health care, Mental Health Information may only be accessed or requested by a User who is a health care professional or an individual who is authorized to act on behalf of such a professional for health information management or medical records purposes.
 - b. For purposes of providing care coordination services, the fact of an individual's admission for treatment for Mental Illness may be disclosed, including identification of the facility providing treatment and date of admission.
- (2) Mental Health Information must be identified as such to CMT by representation upon upload by the Subscriber on whose behalf it is being uploaded. The Subscriber shall be solely responsible for ensuring that Mental Health Information is identified as such to CMT. CMT shall rely upon such representations in identifying Mental Health Information using metadata, and shall rely upon the absence of any such representation in not providing such metadata.
- (3) CMT will provide metadata identifying Mental Health Information which has been identified as such upon upload.

3. Alcohol & Drug Treatment Centers and/or Programs

- (a) **Definition under 42 CFR Part 2.** Alcohol and drug treatment program information (“Treatment Program Information”) is any information which would identify any individual as having applied for or been diagnosed or treated by any health care provider or health care facility which holds itself out as providing, and provides, alcohol or drug abuse diagnosis, treatment or referral for treatment services, including:
- (i) An identified unit within a general medical facility which holds itself out as providing, and provides, alcohol or drug abuse diagnosis, treatment or referral for treatment; and
 - (ii) Medical personnel or other staff in a general medical care facility whose primary function is the provision of alcohol or drug abuse diagnosis, treatment or referral for treatment and who are identified as such providers.

Treatment Program Information **does not include** diagnostic or treatment information from a general health care facility which does not hold itself out as providing alcohol or drug abuse diagnosis, treatment, or referrals for treatment.

- (b) **Sharing Treatment Program Information for Emergencies.** Treatment Program Information may only be uploaded or requested through the Services for purposes of treating a medical condition which poses an immediate threat to the health of the individual and which requires immediate medical intervention.

4. Sexually Transmitted Disease Information.

- (a) **Definition.** Sexually Transmitted Disease Information is any sexually transmitted disease designated by applicable state law as health information subject to protections against use and disclosure which are more restrictive than those applicable to Protected Health Information (or its state law equivalent) in general. Sexually transmitted diseases include but are not limited to gonorrhea, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), genital human papilloma virus infection, syphilis, acquired immunodeficiency syndrome (AIDS), and human immunodeficiency virus (HIV) infection.
- (b) **Sexually Transmitted Disease Information for Treatment Only.** Sexually Transmitted Disease Information may only be uploaded, accessed or requested for purposes of providing health care to the individual who is the subject of the information, and may only be accessed or requested by a User who is a health care professional or an individual who is authorized to act on behalf of such a professional for health information management or medical records purposes.