

February 28, 2011

## MANDATED UTILIZATION OF RELEASE OF INFORMATION (ROI) MANAGER SOFTWARE

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive establishes policy regarding the roles, responsibilities, and utilization of the Document Storage System (DSS) Release of Information (ROI) Manager software package.

### 2. BACKGROUND

a. Under the Privacy Act of 1974, title 5, United States Code (U.S.C.) 552a(c), "Each agency, with respect to each system of records under its control, shall keep an accounting of the date, nature, and purpose of each disclosure of a record to any person or to another agency." In addition, 5 U.S.C. 552a(c)(3) requires agencies to make the accounting available to the individual named in the record at that person's request except for certain law enforcement activities.

b. The Standards for Privacy of Individually-Identifiable Health Information, commonly referred to as the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, requires covered entities to maintain an accounting of disclosures similar to the Privacy Act and to provide the accounting to an individual upon their request (see title 45 Code of Federal Regulations (CFR) 164.528).

c. VHA must maintain an accounting of the disclosures of health information made from Veterans' records and must have the capability to provide Veterans with a summary of the accounting. In the past, this process has been handled through manual processes and various software systems. In fiscal year (FY) 2003, VHA deployed the DSS ROI Manager software to standardize the process for processing ROI requests and maintaining an accounting of disclosures for ROI requests processed. This software allows for the management, processing, and tracking of all requests for information under the HIPAA Privacy Rule the Privacy Act and the Freedom of Information Act (FOIA).

d. Effective May 26, 2009, the Department of Veterans Affairs (VA) FOIA Service deployed VA's electronic FOIA Tracking System (FOIAXpress). Beginning October 1, 2009, any denial or partial denial of a Privacy Act request must be entered into FOIAXpress in addition to the DSS ROI Manager Software. This does not include Privacy Act requests where the determination is made that no records exist. Those records should only be entered into the ROI Records Manager Software.

*NOTE: For the detailed policy and procedures for how to enter requests into FOIAXpress, log into FOIAXpress and retrieve the user manual. For detailed policy and procedures for using the ROI Manager software, see the Health Information Management Handbook 1907.01 and the ROI Manager User Manual.*

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### e. Definitions

(1) **Accounting of Disclosure.** An accounting of disclosure is a summary, provided to an individual upon request, containing information on each disclosure made by VHA of information pertaining to that individual.

(2) **Disclosure.** Disclosure is the release, transfer, provision of access to, or divulgence in any other manner of information outside VHA. The exception to this definition is when the term is used in the phrase “accounting of disclosures.”

(3) **Designated Record Set.** A designated record set is a group of records maintained by or for VHA, that are health records and billing records; enrollment, payment, claims, adjudication, and case or medical management records; or used, in whole or part, to make decisions regarding individuals. For the purposes of this Directive, all designated record sets are covered under a specific System of Records.

(4) **DSS Release of Information (ROI) Manager.** DSS ROI Manager is a software tool purchased from DSS, Inc., which works with the Veterans Health Information System and Technology Architecture (VistA) to enable health care facilities to track, process, and manage requests for copies of information contained in VHA Privacy Act System of Records and HIPAA designated record sets.

(5) **Privacy Act System of Records.** A Privacy Act System of Records is a group of Privacy Act-covered records containing personal information about an individual in which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to an individual. Specific System of Records include all designated record sets.

(6) **ROI Activities.** For the purpose of this Directive, ROI activities include:

(a) Receiving and processing written requests from non-VA entities for copies of health records or health information;

(b) Reviewing authorization forms to ensure compliance with VHA Handbook 1605.1;

(c) Processing VA requests (e.g., Veterans Benefits Administration, Regional Counsel) for copies of health records or health information;

(d) Maintaining the accounting of disclosures; and

(e) Providing appropriate statistics on ROI activities from the DSS ROI Manager software or FOIAXpress to the FOIA Officer upon request.

**3. POLICY:** It is VHA policy that each VA medical facility must immediately implement utilization of the DSS ROI Manager software to maintain the accounting of disclosures and to

process non-VA requests for health information when performing in-house or outsourcing ROI activities.

#### 4. ACTION

a. **VHA Privacy Office.** The VHA Privacy Office is responsible for setting up Web casts etc., for training for facility-level Privacy Officers and Chiefs of Health Information Management (HIM) when a new patch is released.

b. **Medical Facility Director.** Each medical facility Director is responsible for ensuring:

(1) Installation of the DSS ROI Manager software for any new and existing VHA facility and installation of all subsequent patches and version updates in a timely manner upon release to the field.

(2) Utilization of the DSS ROI Manager software by all employees responsible for disclosing or releasing health information to organizations or individuals outside of VA upon request. When a request for information is received by the VA health care facility, the request must be:

(a) Entered into the DSS ROI Manager software, and

(b) Processed in accordance with the VHA ROI User and Administrative Manual and applicable FOIA and HIM handbooks.

(3) Utilization of the DSS ROI Manager software when ROI is outsourced for maintenance of accounting of disclosures and other reporting purposes.

(4) If the VA medical facility outsources release of information activities, the accounting of disclosure information for disclosures of health information is maintained. The data associated with the request and the information disclosed must be uploaded into the designated DSIR key (namespace for ROI Record Management files housed in VistA) files in order for the accounting of disclosures to be available through the DSS ROI Manager software.

(5) The appropriate agreements or arrangements are made for the DSS ROI Manager software to be utilized with the target VA Medical Center VistA Server.

c. **Facility Chief, HIM.** The Chief, HIM, or other supervisor of ROI activities, is responsible for ensuring that all employees disclosing or releasing information are trained on the proper utilization of the DSS ROI Manager software.

d. **Facility Privacy Officer.** The facility-level Privacy Officer is responsible for:

(1) Monitoring compliance with the accounting of disclosures requirement, including verifying installation and appropriate use of the ROI Manager software.

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(2) Ensuring when a request for an accounting of disclosures is received, it is processed in accordance with VHA Handbook 1605.1 using the DSS ROI Manager software to generate the comprehensive accounting summary.

### **5. REFERENCES**

- a. Privacy Act of 1974, 5 U.S.C. 552a(c).
- b. Standards for Privacy of Individually Identifiable Health Information, 45 CFR. 164.528.
- c. VHA Handbook 1605.1.

**6. FOLLOW-UP RESPONSIBILITY:** The Director, VHA Office of Informatics and Analytics, Health Information Governance, Office of Information Access and Privacy (19F2) is responsible for the contents of this VHA Directive. Questions may be addressed to 704-245-2492.

**7. RESCISSIONS:** None. This VHA Directive expires February 29, 2016.

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