

Policies and Procedures
POLICY: Sanctions
Policy #15
Effective Date: April 2, 2014

Purpose: This policy defines the circumstances under which participation in the ILHIE by a Participant or Authorized User may be revoked, suspended or reinstated.

Policy:

1.0 Revocation or Suspension of Authorized User Access. The ILHIE Authority or a Participant may immediately revoke or suspend its respective Authorized User's access to the ILHIE upon a determination of the Authorized User's material non-compliance with these Policies and Procedures, the Data Sharing Agreement or Applicable Law. The ILHIE Authority may immediately revoke or suspend a Participant's Authorized User's access to the ILHIE upon a determination of the Authorized User's material non-compliance with these Policies and Procedures, the Data Sharing Agreement, or Applicable Law.

1.1 In determining whether an Authorized User's access should be revoked or suspended, the ILHIE Authority or a Participant may consider any relevant factors including whether there is a substantial likelihood that an Authorized User's acts or omissions create an immediate threat or will cause irreparable harm to another party, including but not limited to an Individual whose Protected Health Information is requested, used, or disclosed through the ILHIE, the Participant, Other Participant(s), another Authorized User or the ILHIE Authority. The ILHIE Authority may additionally consider other factors including but not limited to the privacy of Individuals whose Protected Health Information is requested, used or disclosed through the ILHIE, the security of the ILHIE, the Authorized User's involvement in or response to a Breach, misuse of the Authorized User's ILHIE access, or the criminal conviction or charge of the Authorized User.

1.2 The ILHIE Authority and each Participant shall immediately revoke its respective Authorized User's access to the ILHIE, if the Authorized User ceases to be qualified as such, including but not limited to, upon termination of the Authorized User's affiliation with the ILHIE Authority or the Participant.

2.0 Participant Access, Revocation, or Suspension. The ILHIE Authority may revoke or suspend a Participant's access to the ILHIE provided that the requirements for such revocation or suspension have been met as specified in these Policies and Procedures or the Data Sharing Agreement.

2.1 Consistent with the terms of the Data Sharing Agreement, the ILHIE Authority may immediately revoke or suspend a Participant's access to the ILHIE if the ILHIE Authority reasonably believes that the Participant has suffered a Breach or is in material noncompliance with these Policies and Procedures, the Data Sharing Agreement or Applicable Law, including without limitation

the Participant or its Authorized User(s), requesting, using or disclosing or attempting to request, use or disclose Protected Health Information for other than a Permitted Purpose or in an unauthorized manner.

- 2.3** In determining whether a Participant's access should be revoked or suspended, the ILHIE Authority may consider any relevant factors including whether there is a substantial likelihood that the Participant's acts or omissions create an immediate threat or will cause irreparable harm to another party, including, but not limited to, an Individual whose health information is requested, used, or disclosed through the ILHIE, Another Participant, an Authorized User, or the ILHIE Authority. The ILHIE Authority may additionally consider other factors including but not limited to the Participant's involvement in or response to a Breach, misuse of the Participant's ILHIE access, or criminal conviction or charge.
- 2.4** The ILHIE Authority may terminate a Data Sharing Agreement with a Participant in accordance with the terms of the Data Sharing Agreement. Upon termination of a Data Sharing Agreement the terminated party shall cease to be a Participant and neither it nor its Authorized Users shall have any rights to use the ILHIE, unless the Authorized Users have an independent right to access the ILHIE through another Participant.
- 3.0 Breach.** The ILHIE Authority may revoke or suspend the ILHIE access of a Participant or its Authorized User(s) in the event of Breach or suspected Breach if the ILHIE Authority determines, in its sole discretion, that doing so is necessary to protect the privacy of Individuals or the security of the ILHIE, the ILHIE's integrity, or the availability of the network to Other Participants.
- 4.0 Authorized User Reinstatement.** The ILHIE Authority may, in its sole discretion, reinstate a Participants Authorized User's ILHIE access where such access was revoked or suspended by the ILHIE Authority, provided that the Authorized User, in cooperation with the relevant Participant, where appropriate, has demonstrated to the ILHIE Authority's satisfaction that the Authorized User has taken necessary steps to resolve the issue resulting in the revocation or suspension.
- 4.1** A Participant may, at its own discretion, and in accordance with its own policies and procedures, reinstate the ILHIE access of one of the Participant's Authorized Users after the Participant revoked or suspended such Authorized User's access, provided that the Authorized User has demonstrated to the Participant's satisfaction that the Authorized User has taken necessary steps to resolve the issue resulting in the revocation or suspension.
- 5.0 Participant Reinstatement.** In accordance with the terms of the Data Sharing Agreement, the ILHIE Authority may, in its own discretion, reinstate a Participant's ILHIE access where such access was suspended by the ILHIE Authority, provided that the Participant, in cooperation with the ILHIE Authority, has demonstrated to the ILHIE Authority's satisfaction that the Participant has taken necessary steps to resolve the issue resulting in the revocation or suspension. A Participant may

request that the ILHIE Authority's decision to suspend its access to the ILHIE be reconsidered, in accordance with the terms of the Data Sharing Agreement.

5.1 Upon revocation of a Participant's access to the ILHIE, the Participant's Data Sharing Agreement is terminated. However, nothing shall prevent the Participant from seeking to enter a new Data Sharing Agreement with the ILHIE Authority.

6.0 **Cooperation.** Participants shall cooperate in good faith in any investigations conducted by the ILHIE Authority, including any obligations pursuant to the Breach Notification and Mitigation Policy (Policy #21).

6.1 Participants and the ILHIE Authority shall cooperate in good faith in an investigation conducted by Other Participant(s).

7.0 **Compliance.** Participants shall comply with these Policies and Procedures. The ILHIE Authority will monitor and enforce compliance with and adherence to these Policies and Procedures.

7.1 Participant shall cooperate with the ILHIE Authority in its monitoring and enforcement of the Participant's compliance with these Policies and Procedures.

Procedures:

Participant Procedures

1.0 Each Participant must promptly, but in no event more than three (3) days after taking action, notify the ILHIE Authority of any action revoking or suspending the ILHIE access of its Authorized User(s).

2.0 A Participant is responsible for the Participant's Authorized Users and shall take necessary steps to resolve any issue resulting in revocation or suspension of an Authorized User in accordance with these Policies and Procedures and the Data Sharing Agreement, including but not limited to the Breach Notification and Mitigation Policy (Policy #21), and the Participant's own policies and procedures.

3.0 The Participant, in cooperation with the ILHIE Authority, shall take necessary steps to resolve the issue resulting in the revocation or suspension of the Participant or a Participant's Authorized User in accordance with these Policies and Procedures and the Data Sharing Agreement.

ILHIE Authority Procedures

1.0 The ILHIE Authority shall immediately upon revoking or suspending a Participant's access to the ILHIE, or revoking or suspending a Participant's Authorized User's access to the ILHIE, provide notice of the revocation or suspension and provide a written summary of the reasons of the same to the affected Participant. In the case

of revocation of a Participant's access, the revocation shall be handled in accordance with the terms of the Data Sharing Agreement.

- 2.0** The ILHIE Authority, in cooperation with the Participant, shall take necessary steps to resolve the issue resulting in the revocation or suspension of a Participant or a Participant's Authorized User in accordance with these Policies and Procedures and the Data Sharing Agreement.
- 3.0** All Master Patient Index data contributed to the ILHIE Authority by a revoked or suspended Participant, and audit log data pertaining to a revoked or suspended Participant's, or revoked or suspended Authorized User's, activity, shall be preserved by the ILHIE Authority to ensure its ability to conduct and respond to, or to assist Participants in conducting and responding to, appropriate Individual inquires, audits, investigations, claims, lawsuits and other authorized requests.

Associated Policies and References

- Breach Notification and Mitigation Policy
- Data Sharing Agreement
- Enforcement
- Sanctions
- User Authorization

<p>Definitions</p> <ul style="list-style-type: none">Applicable LawAuthorized UserData Sharing AgreementILHIE AuthorityMaster Patient IndexParticipant
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