Interoperability FAQ's

The Interoperability and Patient Access final rule requires health plans to implement and maintain a secure, standards-based Patient Access Application Programming Interface (API) (using Health Level 7® (HL7) Fast Healthcare Interoperability Resources® (FHIR) Release 4.0.1) that allows patients to easily access their claims and encounter information including cost, specifically provider remittances and enrollee cost-sharing, as well as a defined sub-set of their clinical information through third-party applications of their choice. The Patient Access API permits third-party applications to retrieve your personal health information with your approval, or with approval from your authorized representative.

What are important things you should consider before authorizing a third-party app to retrieve your health care data?

It is important for you to take an active role in protecting your health information. You should understand what to look for when choosing an app to make an informed decision. You should look for an easy-to-read privacy policy that clearly explains how the app will use your data. If an app does not have a privacy policy, you are advised not to use the app.

What you should consider:
- What health data will this app collect? Will this app collect non-health data from my device, such as my location?
- Will my data be stored in a de-identified or anonymized form?
- How will this app use my data?
- Will this app disclose my data to third parties?
  - Will this app sell my data for any reason, such as advertising or research?
  - Will this app share my data for any reason? If so, with whom? For what purpose?
- How can I limit this app's use and disclosure of my data?
- What security measures does this app use to protect my data?
- What impact could sharing my data with this app have on others, such as my family members?
- How can I access my data and correct inaccuracies in data retrieved by this app?
- Does this app have a process for collecting and responding to user complaints?
- If I no longer want to use this app, or if I no longer want this app to have access to my health information, how do I terminate the app's access to my data?
  - What is the app's policy for deleting my data once I terminate access? Do I have to do more than just delete the app from my device?

- How does this app inform users of changes that could affect its privacy practices?

If an app's privacy policy does not clearly answer these questions, you should reconsider using the app to access your health information. If you change your mind about your choice of third-party app, please contact CalOptima Health Customer Service department at (714) 246-8500, or toll-free at (888) 587-8088. Health information is very sensitive information, and patients should be careful to choose apps with strong privacy and security standards to protect it.

What are my rights under the Health Insurance Portability and Accountability Act (HIPAA) and who must follow HIPAA?

CalOptima Health is a covered entity under the Health Insurance Portability (HIPAA). You can find [CalOptima Health's Notice of Privacy Practices](#) here. The U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) enforces the HIPAA Privacy, Security, and Breach Notification Rules, and the Patient Safety Act and Rule.

To learn more about filing a complaint with OCR under HIPAA, visit:
https://www.hhs.gov/hipaa/filing-a-complaint/index.html

Are third-party apps covered by HIPAA?

It is important you understand that **third-party apps will <u>not</u> be covered by HIPAA**. Most third-party apps will instead fall under the jurisdiction of the Federal Trade Commission (FTC) and the protections provided by the FTC Act. The FTC Act, among other things, protects against deceptive acts (e.g., if an app shares personal data without permission, despite having a privacy policy that says it will not do so). You are recommended to review the privacy policy of any third-party app to whom you provide personal information online.

The FTC provides information about mobile app privacy and security for consumers here:
https://consumer.ftc.gov/articles/how-websites-and-apps-collect-and-use-your-information

How to file a complaint with the FTC:
https://consumer.ftc.gov/media/video-0054-how-file-complaint-federal-trade-commission