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## Healthcare Alert

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### **NYSDOH proposes amendments to the SHIN-NY**

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The proposed regulations aim to improve statewide interoperability and sharing of patient data.



#### **What's the impact?**

- The New York State Department of Health (NYSDOH) has proposed implementing a statewide common participation agreement to allow both Qualified Entities (QEs) and the SHIN-NY participants to directly access and connect to the SHIN-NY through a secure statewide data infrastructure.
- Providers that meet minimum technical, security, privacy, and organization requirements would execute a statewide common participation agreement to participate directly in the SHIN-NY.
- The NYSDOH would implement a statewide consent management system that would allow patients to approve and deny provider access to information in the SHIN-NY.

On February 14, 2024, the NYSDOH [proposed amendments](#) to the regulations that govern the Statewide Health Information Network for New York (SHIN-NY), at [10 NYCRR Part 300](#). NYSDOH stated that the intent of the proposed amendments is to increase the interoperability of the SHIN-NY by ensuring consistency in how providers and other “SHIN-NY participants”—a new

term—connect and exchange data. NYSDOH also stated that the amendments would support public health during emergencies and assist the State’s Medicaid program with certain reporting required by its Social Security Act Section 1115 waiver.

## **What is the SHIN-NY?**

The SHIN-NY is a statewide network that, in its current form, connects six regional health information networks called “qualified entities” or “QEs.” Each of the six regional QEs stores patient health data and shares it with other QEs through the SHIN-NY, which acts as an intermediary. With the patient’s consent, the SHIN-NY and QEs together allow participating providers to electronically access and securely exchange patient health data, with the goal of increasing collaboration and coordination of care and improving patient outcomes.

## **Proposed amendments aim to streamline SHIN-NY data**

The proposed regulations appear aimed at creating a more integrated statewide data system by permitting, in addition to QEs, certain providers and other SHIN-NY participants to connect directly to the SHIN-NY who can demonstrate “the technical capacity for private and secure bi-directional access.” Through use of a statewide common participation agreement, NYSDOH aims to eliminate the current variation in the terms and conditions applicable to participants in the SHIN-NY, and to require adherence to statewide policy guidance. At this time, it is unclear whether the proposed regulations would require current SHIN-NY participants to sign the statewide common participation agreement as a condition of continued participation.

Finally, under the proposed amendments, NYSDOH would create a statewide provider directory and statewide consent management system, including a new statewide consent form. QEs would be required to “honor and implement” patient consent decisions across the entire SHIN-NY network, regardless which QE a provider contracted with when choosing to participate in the SHIN-NY. It is unclear, at this time, if the statewide directory and/or consent management system would eliminate the current need for each SHIN-NY participant to seek individual patient consent prior to accessing patient information on the SHIN-NY. This and other questions may be addressed when the NYSDOH assesses public comments received on the proposed regulations.

## **Public comment period is open**

The proposed regulations were published in the State Register on February 14, 2024, and the 60-day public comment period will remain open until April 14, 2024.

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