

# Statewide Health Information Network for New York (SHIN-NY) Waiver

## 1 BACKGROUND OF SHIN-NY

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- The Statewide Health Information Network for New York (SHIN-NY) ensures health information can be provided to health care providers where and when it is needed. The foundations of the SHIN-NY support the state’s goals and objectives of New York’s State Health Innovation Plan (SHIP), the State’s Delivery System Reform Incentive Payment Program (DSRIP), the State Innovation Model (SIM), and the State’s Prevention Agenda. This agenda aligns with the national Health Information Technology agenda, specifically to improve health care quality, safety, and efficiency through the implementation of certified electronic health records (EHRs), and its second stage of meaningful use for secure electronic health information exchange under the federal Health Information Technology for Economic and Clinical Health Act (HITECH). The [SHIN-NY regulation](#) was published in the State Register, and went into effect, on March 9, 2016 and can be found under Part 300 of Title 10 (Health) of the New York Codes, Rules and Regulations (10 NYCRR Part 300).
- Inpatient and outpatient Health IT Systems must be interoperable to facilitate safe, efficient, high quality patient care. These systems must also be interoperable with public health systems to support quality and population health reporting through the SHIN-NY. Health IT Systems must be certified as described in the federal Department of Health and Human Services’ (HHS) Standards and Certification Criteria, and must, at a minimum, make available the “common clinical dataset” available as a structured document, using the Consolidated Clinical Document Architecture described by the Office of the National Coordinator for Health IT certification requirements in 45 CFR 170.205(a)(3).
- Through the engagement of the New York eHealth Collaborative (NYeC), qualified entities (QEs), Performing Provider System (PPS) partners, providers, patients and public health agencies across New York State, SHIN-NY has the technical infrastructure, policies, and agreements that support the secure exchange of protected health information to enable higher quality care and reduce costs. SHIN-NY Policy Guidance can be accessed from the following link: <https://www.health.ny.gov/technology/regulations/shin-ny/>

## 2 HEALTH CARE FACILITIES SUBJECT TO SHIN-NY

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- Health care facilities subject to SHIN-NY regulations include: “**general hospital**” as defined in Public Health Law § 2801(10), and all “**health care facilities**” as described in Public Health Law § 18(1)(c), which includes ambulatory surgery centers, diagnostic and treatment centers, clinics, nursing homes, home care services agencies, hospices, health maintenance organizations that are health care providers, and shared health facilities that are utilizing certified electronic health record technology under HITECH. The list of eligible healthcare facilities can be found at this link: <https://health.data.ny.gov/Health/Health-Facility-General-Information/vn5v-hh5r>.

- **By March 09, 2017, general hospitals** must connect to the SHIN-NY and allow for private and secure bi-directional access to patient information.
- **By March 09, 2018, all health care facilities** must connect to the SHIN-NY and allow for private and secure bi-directional access to patient information.
- ***Bi-directional access means that a qualified entity participant has the technical capacity to upload its patient information to the SHIN-NY so that it is accessible to other qualified entity participants authorized to access the patient information and that the qualified entity participant has the technical capacity to access the patient information of other qualified entity participants from the SHIN-NY when authorized to do so.***

### **3 HEALTH CARE FACILITIES NOT CONNECTED TO SHIN-NY THAT DO NOT NEED TO SEEK A WAIVER**

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- Health care facilities that are not utilizing certified electronic health record technology under HITECH are not required to connect to the SHIN-NY, but they are encouraged to do so through a QE.
- Department of Veterans Affairs (VA) hospitals or VA Medical Centers. Veterans health administration facilities, such as the United States, are regulated by the federal government and are not subject to state regulations, but they are encouraged to participate in the SHIN-NY through a QE.
- Eligible hospitals and critical access hospitals that have been granted a hardship exception by Centers for Medicare and Medicaid Services in accordance with the Medicare Electronic Health Records Incentive Program do not need to seek a SHIN-NY waiver.

### **4 WAIVER CRITERIA FOR GENERAL HOSPITALS AND HEALTH CARE FACILITIES**

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#### **4.1 ECONOMIC HARDSHIP**

**Examples may include:**

- Facility is in the process of closing.

#### **4.2 TECHNOLOGICAL LIMITATIONS OR PRACTICAL LIMITATIONS TO THE FULL USE OF CERTIFIED ELECTRONIC HEALTH RECORD TECHNOLOGY THAT ARE NOT REASONABLY WITHIN CONTROL OF THE HEALTH CARE PROVIDER**

**Examples may include:**

- The electronic health record is not currently certified.
- The electronic health record used is being updated, delaying integration with a QE(s). A conditional waiver, for a period of 6 to 9 months, may be approved for SHIN-NY compliance.

- The facility is located in a rural area with poor internet connectivity, e.g. limited broadband access or a lower than 4Mbps broadband availability according to the latest information available from the Federal Communications Commission.
- The facility has been merged or is in the midst of consolidation with other health care facilities that are still in the process of integrating their health information system. A conditional waiver for a period of 6 to 9 months may be approved for SHIN-NY compliance.
- Facilities that have multiple sites with different electronic health records systems may be approved for a conditional waiver for a period of 6 to 9 months, for SHIN-NY compliance.

#### **4.3 OTHER EXCEPTIONAL CIRCUMSTANCES DEMONSTRATED BY THE HEALTH CARE PROVIDER TO THE DEPARTMENT OF HEALTH AS THE COMMISSIONER MAY DEEM APPROPRIATE**

**Examples may include:**

- Any other unpredictable events such as natural disasters, e.g. earthquake, flood that destroys the facility and its health information system, or any uncontrolled factors outside the facility's control.
- During the process of remedy of a serious non-compliance issue of SHIN-NY regulations, such as privacy and security breach, the oversight entity, the Department of Health, may choose to exclude the facility from SHIN-NY access until the issue is resolved.

## **5 APPLICATION PROCESS FOR A WAIVER FROM SHIN-NY**

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- A general hospital that meets the criteria listed under section 4 may submit a request for a waiver from the SHIN-NY regulations. Waiver requests must include a formal letter indicating the identified hardship, limitation, or circumstance for consideration to be submitted to Department of Health at [SHIN-NY@health.ny.gov](mailto:SHIN-NY@health.ny.gov) no later than March 9, 2017.
- A health care facility that meets the criteria listed under section 4 may submit a request for a waiver from the SHIN-NY regulations. Waiver requests must include a formal letter indicating the identified hardship, limitation, or circumstance for consideration to be submitted to the Department of Health at [SHIN-NY@health.ny.gov](mailto:SHIN-NY@health.ny.gov) no later than March 9, 2018.
- The Department of Health may approve a waiver or a conditional waiver (for a period of 6 to 9 month).

## **6 CONTACTS FOR QUESTIONS**

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- Any questions regarding this waiver may be directed to the SHIN-NY at: [SHIN-NY@health.ny.gov](mailto:SHIN-NY@health.ny.gov) or call (518) 474-4987.