VIVA MEDICARE

Interoperability and Patient Access Frequently Asked Questions (FAQs)

Question: What is interoperability?

The Centers for Medicare and Medicaid Services (CMS) released the Interoperability and Patient Access final rule on May 1, 2020. VIVA HEALTH is required to provide you with access to detailed information about your health history through a "Patient Access Application Programming Interface (API)." The Patient Access API allows you to easily access your protected health information (PHI) such as claims information, including cost, and a defined sub-set of your clinical information through third-party applications (apps) of your choice. Third-party apps can be downloaded on a smart phone, tablet, computer or other similar devices.

Question: How does it work?

To comply with CMS's regulatory requirements, VIVA HEALTH worked with 1upHealth to make standards-based APIs available that will improve the electronic exchange of health care data.

As a member, you are in control of your health information. It is important for you to understand that the third-party app you choose to download will have access to all of your information. You can authorize the release of your data to a specified application (an app on your phone) so that you can view your data. VIVA HEALTH members are encouraged to use the VIVA HEALTH Member app or VivaMembers.com portal to view any information related to past medical and prescription claims history. The VIVA HEALTH Mobile App is available for download in the Apple App Store or Google Play Store.

Question: What kind of data is available?

The following types of member information will be available to third party applications developers:

- Adjudicated Claims/EOBs
- Clinical Data
- Formulary
- Provider and Pharmacy Directory
- Roster/Enrollment

The information we will disclose may include information about treatment for substance use disorders, mental health treatment, HIV status, or other sensitive information.

Question: What third party apps are currently available to view my health information?
You can find a list of approved applications in Third-Party Applications in the 1upHealth Help Center.

Are third party app developers 'vetted' for credibility?

Third-party applications that want to access the 1upHealth solution must complete the 1Up privacy and security attestation process. All published apps will be reviewed on an annual basis.

Apps that present active security threats, misuse, or abuse our APIs will have their access revoked and be blocked from API access until a thorough review is completed. 1upHealth will perform continuous monitoring of our API endpoints, have dashboards summarizing usage, and do routine log reviews.

Click here for more info on the Third Party App Vetting Process.

Question: Is my medical information safe?
You can review how your medical information may be used and disclosed, as well as your rights under Health Insurance Portability and Accountability Act (HIPPA) here.

If you decide to access your information through the Patient Access API, you should look for an easy-to-read third-party app privacy policy that clearly explains how the app will use your data. Things you may wish to consider when selecting a third-party app:

- 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 will this app inform me of changes in its privacy practices?

If the app's privacy policy does not satisfactorily answer these questions, you may wish to reconsider allowing the app to access your health information. Your health information may

include very sensitive information. You should be careful by choosing an app with strong privacy and security standards to protect it.

Question: What are a member's rights under HIPAA and who must follow HIPAA?
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. You can find more information about patient rights under HIPAA and who is obligated to follow HIPAA here: https://www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html

HIPAA FAQs for Individuals: https://www.hhs.gov/hipaa/for-individuals/faq/index.html

Question: Are third-party apps covered by HIPAA?
Most third-party apps will not 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).

The FTC provides information about mobile app privacy and security for consumers here: https://www.consumer.ftc.gov/articles/0018-understanding-mobile-apps

Question: What should a member do if they think their data have been breached or an app has used their data inappropriately?
If you have questions and would like additional information, you may contact VIVA HEALTH's Privacy Officer (see contact information below). If you believe your privacy rights have been violated, you may file a complaint with VIVA HEALTH, or with the U.S. Department of Health and Human Services Office for Civil Rights. To file a complaint with VIVA HEALTH, contact VIVA HEALTH Privacy Officer (see contact information below). All complaints must be submitted in writing.

VIVA HEALTH PRIVACY OFFICER – CONTACT INFORMATION

VIVA HEALTH
Attention: Privacy Officer
417 20th Street North, Suite 1100
Birmingham, AL 35203

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

Individuals can file a complaint with OCR using the OCR complaint portal: https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf

Individuals can file a complaint with the FTC using the FTC complaint assistant: https://reportfraud.ftc.gov/