

# 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 to improve health care quality, safety, and efficiency through the implementation of electronic health records (EHRs). 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).
- Through the engagement of the New York eHealth Collaborative (NYeC), qualified entities (QEs), providers, patients and public health agencies across New York State, the 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/>

## 2 HEALTH CARE FACILITIES SUBJECT TO SHIN-NY

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- Health care facilities subject to SHIN-NY regulations include: “**general hospitals**” 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. The list of eligible healthcare facilities can be found at this link: <https://health.data.ny.gov/Health/Health-Facility-General-Information/vn5v-hh5r>.
- Although using an Electronic Health Record (EHR) system is preferred, access to the SHIN-NY is possible without the use of an EHR system. A facility can access the SHIN-NY through the ‘Clinical Viewer portal’ supplied by the QE(s) which can be utilized through an internet browser.

## 3 FACILITIES THAT DO NOT NEED A WAIVER

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- Department of Veterans Affairs (VA) hospitals or VA Medical Centers. Veterans’ health administration facilities that 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.

## 4 WAIVER CRITERIA

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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 THAT ARE NOT REASONABLY WITHIN CONTROL OF THE HEALTH CARE PROVIDER

**Examples may include:**

- 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 consolidated or is in the process of consolidating 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.

### 4.3 OTHER EXCEPTIONAL CIRCUMSTANCES DEMONSTRATED BY THE HEALTH CARE PROVIDER TO THE DEPARTMENT 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 remediation of a serious non-compliance issue of SHIN-NY regulations, such as privacy and security breach, the oversight entity, the Department, may choose to exclude the facility from SHIN-NY access until the issue is resolved.

### 4.4 FACILITIES WITH THE TECHNICAL CAPACITY TO CONNECT TO THE SHIN-NY AND SUPPLY PATIENT INFORMATION DIRECTLY OR THROUGH OTHER APPROVED NETWORKS

- Waivers under this option will be considered through a process recommended and managed by the New York eHealth Collaborative (NYeC) and approved by the Department.

- To gain organizational efficiency by connecting to the SHIN-NY without the use of a Qualified Entity or through other networks as approved by the Department, is allowable under [10 N.Y.C.R.R. Section 300.6 § \(C\) \(4\)](#); “The New York State Department of Health may waive the requirements of subdivisions (a) of this section for health care facilities that demonstrate, to the satisfaction of the New York State Department of Health (the Department)”:
  - (4) the facility has the technical capacity for private and secure bi-directional access, executes a Statewide Common Participation Agreement (SCPA), connects to the SHIN-NY, and supplies patient information in accordance with this Part and the SHIN-NY policy guidance. As used in this paragraph, bi-directional access means that a SHIN-NY participant has the technical capacity to share its patient information with the SHIN-NY so that it is accessible to other SHIN-NY participants authorized to access the patient information and that the SHIN-NY participant has the technical capacity to access the patient information of other SHIN-NY participants when authorized to do so, consistent with the SHIN-NY policy guidance under subdivision (b) of section 300.3 of this Part.

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

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- A health care facility that meets the criteria listed under section 4 may submit a request for a waiver from the SHIN-NY regulations.
- I. Waiver Requests Must Include:
- A formal notarized letter (on letterhead) including the following information:
    - Indication that the facility or organization is a “health care facility” as that term is defined in Section 18(1)(c) of the New York State Public Health Law.
    - The address and contact information for the facility.
    - The [Facility ID](#).
    - The name of the EHR system in use (if applicable).
    - The Qualified Entity (QE) that would be utilized.
    - Identify and describe the reason for a waiver.
    - Confirmation that the identified reason described herein, has a material impact on the requesting organization’s ability to complete the steps required to connect to and participate in the SHIN-NY.
    - The specific period of time (6 to 24 months) for which the waiver is

being requested.

- Confirmation that in the event of any change in the economic hardship circumstance during the waiver period, the facility or organization shall promptly notify the NYS Department of Health of such change.

## II. Waiver Submission

- The notarized letter should be submitted to the Department at [SHIN-NY@health.ny.gov](mailto:SHIN-NY@health.ny.gov).
- The Department may approve a waiver or a conditional waiver (for a period of 6 to 24 months).
- The requesting facility or organization must provide any information requested by the Department in support of this waiver request.
- If the requested waiver is approved, the requesting facility or organization must notify the Department when the specified time period is up, if the circumstances described herein continue to materially impact its capacity to connect to and participate in the SHIN-NY.
- In the event of any change in the 'economic hardship' circumstance during the waiver period, the facility shall promptly notify the Department of such change.

## 6 CONTACTS FOR QUESTIONS

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- Any questions regarding this Waiver may be directed to the SHIN-NY team at: [SHIN-NY@health.ny.gov](mailto:SHIN-NY@health.ny.gov)