

**MANDATED UTILIZATION OF RELEASE OF INFORMATION (ROI) PLUS
SOFTWARE**

- 1. REASON FOR ISSUE:** This Veterans Health Administration (VHA) Directive establishes policy regarding the roles, responsibilities, and utilization of the Release of Information (ROI) Plus software package.
- 2. SUMMARY OF MAJOR CHANGES:**
 - a. The Directive's title and in the text throughout: Replacing of the name of the software from DSS ROI Manager to ROI Plus.
 - b. Paragraph 4.a., VHA Privacy Office: Clarification of responsibility added, "The VHA Privacy Office is responsible as the Business Owner for the ROI Plus software and provides all policy guidance, training and maintenance and/or enhancement requests to the functionality of the ROI Plus software."
 - c. Paragraph 4.d., Facility Privacy Officer: Responsibilities in more detail.
- 3. RELATED ISSUES:** VHA Handbook 1605.01, VHA Privacy and Release of Information and VHA Handbook 1907.01, Health Information Management and Health Records.
- 4. RESPONSIBLE OFFICE:** The Director, VHA Office of Informatics and Information Governance, Office of Information Access and Privacy (10P2C1) is responsible for the contents of this VHA Directive. Questions may be addressed to 704-245-2492.
- 5. RESCISSIONS:** VHA Directive 2011-010, dated February 28, 2011, is rescinded.
- 6. RECERTIFICATION:** This VHA Directive is scheduled for recertification on or before the last working day of July 31, 2021.

David J. Shulkin, M.D.
Under Secretary for Health

Distribution: Emailed to the VHA Publications Distribution List on July 22, 2016.

MANDATED UTILIZATION OF RELEASE OF INFORMATION (ROI) PLUS SOFTWARE

1. PURPOSE

This Veterans Health Administration (VHA) Directive establishes policy regarding the roles, responsibilities, and utilization of the Release of Information (ROI) Plus software package. **AUTHORITY:** 38 U.S.C. 7301(b); 5 U.S.C. 552a; 45 CFR 164.528.

2. BACKGROUND

a. Under the Privacy Act of 1974, Title 5, United States Code (U.S.C.) 552a(c), "Each agency, with respect to each system of records under its control, shall keep an accounting of the date, nature, and purpose of each disclosure of a record to any person or to another agency." In addition, 5 U.S.C. 552a(c)(3) requires agencies to make the accounting available to the individual named in the record at that person's request except for certain law enforcement activities.

b. The Standards for Privacy of Individually-Identifiable Health Information, commonly referred to as the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, requires covered entities to maintain an accounting of disclosures similar to the Privacy Act and to provide the accounting to an individual upon their request (see title 45 Code of Federal Regulations (CFR) 164.528).

c. VHA must maintain an accounting of the disclosures of health information made from Veterans' records and must have the capability to provide Veterans with a summary of the accounting. In the past, this process has been handled through manual processes and various software systems. In fiscal year (FY) 2003, VHA deployed the DSS ROI Manager software to standardize the process for processing ROI requests and maintaining an accounting of disclosures for ROI requests processed. This software allows for the management, processing, and tracking of all requests for information under the HIPAA Privacy Rule and the Privacy Act of 1974.

d. Effective May 26, 2009, the Department of Veterans Affairs (VA) FOIA Service deployed VA's electronic FOIA Tracking System (FOIAXpress). Beginning October 1, 2009, any denial or partial denial of a Privacy Act request or disclosure of a deceased individual's record must be entered into FOIAXpress. Additional guidance can be found within [VHA FOIA Office Guidance on Entry of FOIA and Privacy Act Requests into FOIAXpress](#).

NOTE: For the detailed policy and procedures for how to enter requests into FOIAXpress, log into FOIAXpress and retrieve the user manual. For detailed policy and procedures for using the ROI Plus Software, see the ROI Plus User and Administrative Manuals.

3. POLICY

It is VHA policy that each VA medical facility must utilize the ROI Plus software to maintain the accounting of disclosures for health records, and process non-VA requests for health information when performing in-house or outsourcing ROI activities. As a matter of discretion, VA medical facilities may utilize the ROI Plus software to maintain the accounting of disclosures for other VHA records.

4. RESPONSIBILITIES

a. **VHA Privacy Office.** The VHA Privacy Office is responsible as the Business Owner for the ROI Plus software and provides all policy guidance, training, and maintenance and/or enhancement requests to the functionality of the ROI Plus software. This office is also responsible for setting up training for facility-level Privacy Officers, ROI staff and Chiefs of Health Information Management (HIM) when a new patch is released.

b. **VA Medical Facility Director.** Each VA Medical Facility Director is responsible for ensuring:

(1) The OI&T installation of the ROI Plus software for any new and existing VHA facility and installation of all subsequent patches and version updates in a timely manner upon release to the field.

(2) Utilization of the ROI Plus software by the facility Release of Information Unit responsible for disclosing or releasing health information to organizations or individuals outside of VA upon request. When a request for health information is received by the VA medical facility, the request must be:

(a) Entered into the ROI Plus software, and

(b) Processed in accordance with the VHA ROI Plus User and Administrative Manual and applicable Privacy, FOIA and HIM handbooks.

(3) Utilization of the ROI Plus software when ROI is outsourced for maintenance of accounting of disclosures and other reporting purposes.

(4) If the VA medical facility outsources release of information activities, the accounting of disclosure information must still be maintained by VHA. The data associated with the request and the information disclosed by the contractor must be uploaded into the designated DSIR key (namespace for ROI Plus files housed in VistA) files in order for the accounting of disclosures to be available through the ROI Plus software.

c. **Facility Chief, HIM.** The Chief, HIM or Supervisor over ROI activities, is responsible for the day-to-day activities of releasing individually-identifiable information; ensuring that all ROI approved users who disclose or release health information are trained on the proper utilization of the ROI Plus software and verify installation of ROI Plus software updates.

d. **Facility Privacy Officer.** The facility-level Privacy Officer is responsible for:

(1) monitoring entries into the ROI Plus software for:

(2) Compliance with the accounting of disclosures requirement

(3) Legal authority to disclose individually-identifiable information

(4) Only minimal necessary information is being disclosed

(5) Requests are responded to within a timely manner

(6) Individual's rights of access (in-person) were not violated

(7) Ensuring that when a request for an accounting of disclosures is received, it is processed in accordance with VHA Handbook 1605.01 using the ROI Plus software to generate the comprehensive accounting summary

(8) Working with the Chief, HIM or Supervisor over ROI activities to resolve any discrepancies discovered during the monitoring of the ROI Plus software entries and

(9) Documenting monitoring activities and remediation actions and providing this documentation to VHA Privacy Compliance Assurance (PCA), upon request.

5. DEFINITIONS

a. **Accounting of Disclosure.** An accounting of disclosure is a list of all disclosures made to entities outside VA. This is not the same as the Sensitive Patient Access Report (SPAR) or an audit log.

b. **Disclosure.** Except as used in the phrase "accounting of disclosures," disclosure is the release or transfer of, provision of access to, or the divulging in any manner of information outside VHA. Unless otherwise specified, once information is disclosed, VHA relinquishes ownership of the information.

c. **Designated Record Set.** A Designated Record Set is a group of records, maintained by or for VHA, that are health records and billing records; enrollment; payment; claims; adjudication; case or medical management records; or records used, in whole or part, to make decisions regarding individuals. For the purposes of this Directive, all designated record sets are covered under a specific System of Records.

d. **Release of Information (ROI) Plus.** ROI Plus is a software tool purchased from DSS, Inc., which works with the Veterans Health Information System and Technology Architecture (VistA) to enable health care facilities to track, process, and manage requests for copies of information contained in VHA Privacy Act System of Records and HIPAA designated record sets.

e. **Privacy Act System of Records.** A Privacy Act System of Records is a group of Privacy Act-covered records that contains personal information about an individual

from which information is retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to an individual. A notice defining a system of records must be published in the *Federal Register*. A System of Records is also a designated record set.

f. **ROI Activities.** For the purpose of this Directive, ROI activities include:

(1) Receiving and processing written requests from the individual to whom the records pertain;

(2) Receiving and processing signed written authorizations from non-VA entities for copies of individually identifiable information;

(3) Reviewing and processing requests based on a permissible condition under each privacy statute;

(4) Reviewing authorization forms to ensure compliance with VHA Handbook 1605.01;

(5) Processing VA requests (e.g., Veterans Benefits Administration, VA Regional Counsel, VA Office of Inspector General, and other intra-organizational units) for copies of health records or health information;

(6) Maintaining the accounting of disclosures; and

(7) Reviews health records based on Title 38 U.S.C. 7332-protected health conditions prior to disclosure without a specific signed, written authorization covering 38 U.S.C. 7332 from the individual.

6. REFERENCES

a. Privacy Act of 1974, 5 U.S.C. 552a(c).

b. Standards for Privacy of Individually Identifiable Health Information, 45 CFR. 164.528.

c. VHA Handbook 1605.01.