**Opt-Out Policy and Process Changes Effective April 30, 2020**

**FAQs for organizations participating in MX**

**Is opt-out a concept required by HIPAA or existing in California state law?**

No, opt-out is not part of HIPAA or a part of California law. Opt-out is a policy construct in the MX policy guide; HIPAA does not require the option for opt-out and California law does not require an option for opt-out.

**How is the individual opt-out process changing?**

**Currently** individuals can choose to opt-out of the MX network in two ways:

* Individuals can request to opt-out through their healthcare providers which is communicated to MX using a confidentiality flag in their ADT feed.
* Individuals can opt-out directly through MX by either using an online form on the MX website or calling MX’s 800 number, 1 (800) 490-7617.

**As of April 30, MX is making some important changes to its opt out policy.**

* MX will require anyone who wants to opt-out of having their information shared through MX to document their opt-out directly with MX by either using the online form on the MX website (<https://www.manifestmedex.org/opt-out>) or by calling MX at 1 (800) 490-7617. MX will stop processing opt outs through ADTs feeds as of July 1, 2020.
* In the event that providers want to assist patients with the opt-out process, they may complete the opt-out form with the patient, providing the required information about the person completing the form on behalf of the patient.

In addition please note that opt-out provisions are not applicable to Patient Data which providers or health plans share to support authorization of services to patients, where those patients have already been informed of such sharing by a provider or health plan Notice of Privacy Practices.

**When will this new policy go into effect?**

MX will implement the new policy as of April 30, 2020. However, because some organizations require time and preparation to revise workflows and patient-facing communication, MX will continue processing confidentiality flags that are sent via ADT feeds as opt outs until July 1, 2020. After July 1, 2020 MX will only accept opt outs through its web form and 1-800 phone number.

**What happens if a provider sends a confidentiality flag in its ADT after July 1?**

MX will no longer process confidentiality flags contained in ADT feeds once this change becomes effective. Sending confidentiality flags in ADT feeds will NOT opt the individual out of the MX system after July 1, 2020.

**Will MX continue to receive data from providers for opted-out individuals?**

Yes, MX will continue with its current process whereby it receives data from plans and providers for opted-out individuals, but restricts access to all data for opted-out individuals beyond demographics and opt-out status unless and until the individual opts back in.

**Why is MX making these changes?**

MX has learned that thousands of individuals have been opted out of MX incorrectly due to errors and issues with ADT feeds. In addition, the current approach to opting individuals out via ADT feed does not produce adequate traceability to confirm or refute that a person intended to opt out. Managing the opt-out process centrally at MX will help ensure that individuals understand that the opt-out request applies to their data from all MX participants. Central processing also helps lessen the possibility that technical or workflow issues get in the way of honoring the individual’s request. This new process also lessens the training and workflow burden for healthcare organizations.

**Will providers need to change their MX-related materials?**

Yes. Materials used by providers to notify individuals about MX and its opt-out policies will need to be updated to direct individuals solely to MX’s website and phone number to opt-out directly through MX. To assist with this communication, MX has updated the opt out brochure and sample language available at <https://www.manifestmedex.org/opt-out/participants>.

**Where can providers find these updated materials?**

These materials are available online at: <https://www.manifestmedex.org/opt-out/participants>.

**What should a provider do if an individual insists that they want to opt-out during a visit?**

If the individual has a cell phone, the provider can suggest that the individual call 1 (800) 490-7617 to speak with someone at MX to opt-out, or go online and complete MX’s online form at: <https://www.manifestmedex.org/opt-out>. With the patient’s permission, providers may also complete the opt-out form with the patient, obtain the patient’s signature and submit the form to MX on behalf of the patient. When opt outs are submitted via online form, the opt-out is effective immediately. Opt outs by phone are processed immediately if the call is made during normal business hours. MX recommends submitting opt outs online whenever possible to ensure the opt out is implemented immediately.

**Will individuals who have opted-out through their provider in the past need to opt-out again through MX?**

No. All previous opt-outs will be honored regardless of whether they were submitted through a healthcare provider or directly to MX.

**Is MX also changing the process for opting back in?**

No. The current process to opt back in is for a patient to complete the MX online form at <https://www.manifestmedex.org/opt-out> and this process is not changing.