



Defense Health Agency

PROCEDURAL INSTRUCTION

NUMBER 6040.02
August 14, 2017

Health Information Technology/J-6

SUBJECT: Sharing of Beneficiary Health Care Data through the Virtual Lifetime Electronic Record (VLER) Health Information Exchange (HIE) Initiative

References: See Enclosure 1.

1. **PURPOSE.** This Defense Health Agency-Procedural Instruction (DHA-PI), based on the authority of References (a) and (b), and in accordance with the guidance of References (c) through (e) and (g):

a. Establishes the Defense Health Agency's (DHA) procedures to implement DoD policy, assigns responsibilities, and provides instructions for extending the VLER HIE Initiative capability to non-active duty beneficiaries of the Military Health System (MHS).

b. Establishes the options available to beneficiaries and others who receive care who do not want to share their information through the VLER HIE Initiative with eHealth Exchange or similar partners who are outside the MHS.

c. Does not apply to Active Duty Service members, nor to Reserve Component Service members eligible to receive care in MHS facilities. In accordance with Reference (e), the information of beneficiaries in these categories will be included in MHS HIE participation, and they may not opt out.

d. Incorporates, updates, and cancels Reference (f).

2. **APPLICABILITY.** This DHA-PI applies to OSD, the Military Departments (MILDEPs), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the DoD, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this DHA-PI as the "DoD Components").

August 14, 2017

3. POLICY IMPLEMENTATION. It is DHA's instruction, pursuant to References (d) and (e), that DHA will establish the options available for sharing MHS Health Care Recipients' information through the VLER HIE Initiative.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release**. This DHA-PI is available on the Internet from the DHA SharePoint site at: <http://www.health.mil/dhapublications>.

7. EFFECTIVE DATE. This DHA-PI:

a. Is effective upon signature.

b. Will expire 10 years from the date of signature if it has not been reissued or cancelled before this date in accordance with DHA-PI 5025.01 (Reference (c)).


For R.C. BONO
VADM, MC, USN
Director

Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA))," September 30, 2013
- (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013
- (c) DHA-Procedural Instruction 5025.01, "Publication System," August 21, 2015
- (d) DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 24, 2003
- (e) DoD Instruction 6040.45, "DoD Health Record Life Cycle Management," November 16, 2015
- (f) DHA-Interim Procedures Memorandum 15-001, "Sharing of Non-Active Duty Beneficiary Health Care Data through the Virtual Lifetime Electronic Record (VLER) Health Initiative," Extension with Administrative Changes, August 25, 2016 (hereby cancelled)
- (g) Title 10, United States Code, § 101 - Definitions

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, DHA. The Director, DHA, will:
 - a. Coordinate with the Surgeons General (SGs) of the MILDEPs.
 - b. Ensure the health information technology system supports this DHA-PI.
 - c. Develop procedures to process beneficiary options to participate in the VLER HIE Initiative and to implement this DHA-PI.
 - d. Monitor implementation and provide reporting.
 - e. Make reasonable efforts to educate all MHS Non-Active Duty Health Care Recipients about the subject matter of this DHA-PI.

2. SGs OF THE MILDEPS. The SGs of the MILDEPs will:
 - a. Coordinate and implement the developed procedures as soon as practicable.
 - b. Provide notification of privacy procedures and practices.
 - c. Make reasonable efforts to inform all MHS Non-Active Duty Health Care Recipients about the subject matter of this DHA-PI.

ENCLOSURE 3

PROCEDURES

MHS Non-Active Duty Health Care Recipients, as defined in this instruction, will be included in the VLER HIE Initiative. Their data will be available for sharing with non-federal partners with whom MHS has enacted an agreement that has been approved by the DHA Privacy and Civil Liberties Office. This inclusion is subject to the exceptions described as follows:

a. MHS Non-Active Duty Health Care Recipients, who are neither active duty nor Reserve Component Service members eligible for care in MHS facilities, may at any time opt out of sharing health information with non-MHS partners; however, the MILDEPs are authorized to set rules regarding the frequency with which a beneficiary may change his/her choice by electing to opt out or opt in. Opting out of the VLER HIE Initiative does not prevent the MHS from receiving information from outside providers. Furthermore, when care is received outside of a medical treatment facility, opting out of the VLER HIE does not opt the beneficiary out from the local or state HIE.

b. Individuals 18 years of age or older are eligible to opt out. A parent or other personal representative under Reference (d), or its successor, may opt out an unemancipated minor. Under certain circumstances, a minor may be eligible to opt out in accordance with state law.

c. Individuals are not required to provide reason for choosing to opt out/opt back in but may do so if desired.

d. When an allowable request to opt out or to opt back in is received from an individual, it must be made effective within 10 business days.

e. Staff responsible for processing opt out requests must follow their standard authentication procedures to identify the individual submitting the opt out/opt back in request.

f. Irrespective of a beneficiary's VLER HIE Initiative status, the MHS will continue to disclose information pursuant to a valid authorization and will respond to disclosure requests for which an authorization is not required as defined by Reference (d), or its successor.

g. Instructions and forms for opt out and opt in are available from the following link:
<https://tricare.mil/vler>

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DHA	Defense Health Agency
DHA-PI	Defense Health Agency-Procedural Instruction
HIE	Health Information Exchange
MHS	Military Health System
MILDEP	Military Department
SG	Surgeon General
VLER	Virtual Lifetime Electronic Record

PART II. DEFINITIONS

active duty. Full-time duty in the active military service of the United States. This term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the MILDEP concerned. This term does not include full-time National Guard duty in accordance with Reference (g).

eHealth Exchange. A group of federal agencies and non-federal organizations that came together under a common mission and purpose to improve patient care, streamline disability benefit claims, and improve public health reporting through secure, trusted, and interoperable HIE. Participating organizations mutually agree to support a common set of standards and specifications that enable the establishment of a secure, trusted, and interoperable connection among all participating organizations.

MHS Non-Active Duty Health Care Recipients. Patients (excluding active duty or Reserve Component Service members eligible to receive care) who are eligible to receive health care through TRICARE or were treated in an MHS facility.

opt out. The choice by a beneficiary (excluding active duty or Reserve Component Service members eligible to receive care) to not permit sharing of his or her health data by MHS with non-MHS eHealth Exchange partners.

VLER HIE Initiative. A set of programs that manages the electronic exchange of beneficiary health information among the Department of Veterans' Affairs, DoD, other federal agencies, and non-federal partners.