

	<b>Cooper Green Mercy Health Services</b>	<b>POLICIES &amp; PROCEDURES: ADMINISTRATIVE</b>	
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<b>SUBJECT: Medical Record Patient/ Representative Access</b>		<b>REVISED:</b>	<b>REVIEWED:</b>

**POLICY**

Cooper Green Mercy Health Services (CGMHS) recognizes that individual rights are a critical aspect of maintaining quality care and service, and is committed to allowing individuals to exercise their rights under the Health Insurance Portability and Accountability Act (HIPAA), and other applicable federal, state, and/or local laws and regulations. To support this commitment, CGMHS will maintain and update, as appropriate, written policies and procedures to provide guidance on employee and organizational responsibilities regarding the rights of individuals to access, inspect, and obtain a copy of their protected health information (PHI).

HIPAA gives an individual the right to access, inspect and obtain a copy of protected health information in a "designated record set" (i.e., the patient medical record) for as long as the information is maintained in the designated record set.

An authorized individual shall be able to make a written request for inspection and for copies of the patient's PHI and financial information, unless denied by a Registered Health Information Technician (RHIT). In the event the RHIT is not available, the written request will be forwarded to the Health Information Management (HIM) supervisor, Corporate Compliance Officer or the Attending Physician.

Patients requesting to inspect or receive copies of their medical record will sign a "Patient/Patient Representative Request to Access, Inspect or Obtain a Copy of Protected Health Information" form that is completed correctly with proper identifying information. Once the identity of the patient (or the personal representative) has been established, the patient is given access to his/her medical record for review.

Nothing will be removed from the medical record. Should the patient desire a copy of their Cooper Green Mercy Health Services record, the CGMHS "Authorization for Use or Disclosure of Health Information" form will be completed, including the specific areas of the chart to be duplicated and stating that the information was released to the patient. The fee charged for the duplication for a patient or a patient representative, will be the maximum allowed by state law and is \$1 per page for the first 25 pages, and \$0.50 for additional pages. CGMHS will not release or duplicate medical records that originate from other health systems.

The titles of the persons or the offices responsible for receiving and processing requests for access by individuals, and those responsible for denials are clearly listed. Those individuals are as follows:

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Function	Employee Hierarchy to Address Issue	Off-site Clinics
Receive requests	RHIT licensed employee	Clerk
Consider and Accepts Requests	RHIT licensed employee	LPN or RN
Denies requests for access	Health Information Management Supervisor	Same
Sends denial letter to patient	Health Information Management Supervisor	Same
Receives appeals of denials	Corporate Compliance Officer	Same
Decides appeals that are reviewed, signs letter to the patient	Corporate Compliance Officer in consultation with the Chief Medical Officer, Nursing Administrator, Health Information Management staff as necessary.	Same

## **PROCEDURE**

Cooper Green Mercy Health Services will take necessary steps to address individual requests to access, inspect, and/or obtain a copy of their protected health information that is maintained in the medical record in a timely and professional manner.

- 1) CGMHS requires a patient to direct requests for access, inspection, or a copy of protected health information to the Health Information Management Department or Off-site clinic and complete the "Patient/Patient Representative Request to Access, Inspect or Obtain a Copy of Protected Health Information" form. The patient will be informed that requests for access is required to be in writing.
- 2) Upon receipt of a request, the off-site clerk or RHIT will review the request and determine if it will be honored. The Release of Information employee will act on the request by:
  - a) Informing the patient of the acceptance and providing the access requested, or,

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- b) Forwarding a potential denial to the Health Information Management Supervisor to review. (See policy relating to Denying Access to Inspect and Obtain a Copy of Protected Health Information). This denial will be signed by the Health Information Management Supervisor.
- 3) The review of the request for individual access does not have to be decided immediately; however, action must be taken:
  - a) No later than 30 days after the request is made, if the medical record is on-site; or,
  - b) No later than 60 days after the request is made, if the protected health information is not maintained or accessible on-site.
- 4) If CGMHS cannot take action on a request for access to protected health information within the time periods listed above, Cooper Green Mercy Health Services may extend the time required by 30 days. In such instance, the individual will be provided with a written statement outlining the reasons for the delay and the date by which the action will be completed; this statement must be provided within the time limit set above. Only one extension will be granted for each request.
- 5) Cooper Green Mercy Health Services must provide the access to PHI requested, including inspection or obtaining a copy, or both, in designated record sets, except as otherwise permitted or prohibited by law. If the same PHI requested is maintained in more than one designated record set or at more than one location, CGMHS will only provide the requested PHI once in response to a written request for access.
- 6) Cooper Green Mercy Health Services will provide the patient with access to the protected health information in the format requested, if it is readily producible in such form or format. If the requested format is not readily producible, CGMHS will provide the patient with access to the protected health information in a readable hard copy form or such other form that is readily producible.
- 7) Cooper Green Mercy Health Services does not provide the individual with a summary of the PHI requested (in lieu of providing access to the PHI).
- 8) The patient will be allowed access, inspection, and/or copies of the requested protected health information in a secure and confidential manner, such that the information cannot be accessed by other persons who do not have appropriate authority to that information.
- 9) If requested by the patient, CGMHS will arrange with the individual for a convenient time and place to inspect or obtain a copy of the protected health information, or mailing of protected health information. Inspection may be carried out during business hours (8:00 a.m.-3:00 p.m.) Monday – Friday except for holidays. Personnel shall not attempt to explain or

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interpret anything in the record. The patient or patient's representative will be referred to a physician/provider for any assistance in understanding the information contained in the record. The Release of Information employee will be in the office with the patient as chart review is carried out. When appropriate, the physician and Risk Manager may be notified of the review. Examples of when the presence of a physician and/or Risk Manager may be necessary include:

- a) A record indicates the patient has committed self-inflicted harm
  - b) The patient becomes adamant over documentation in the chart
  - c) A psychiatric case
  - d) The case involves or potentially involves litigation
  - e) The patient and/or family do not comprehend the documentation.
- 10) Appropriate personnel will document the request and fulfillment for duplication of protected health information. (Medical Record Request Fulfillment form - Internal Use Only) Any fees imposed on the patient associated with copying the protected health information or a summary or explanation of such information will:
- a) Be collected by the CGMHS Cashier at the time of receipt of the request and the proper completion of the request form.
  - b) Be reasonable and based on the Alabama State Law.
    - i) Will be only for the cost of copying, including the cost of supplies for and labor of copying, the protected health information requested by the individual.
- 11) The Department will document and retain medical records that are subject to access by individuals for a period of at least five years from the date of its creation or the date when it last was in effect, whichever is later.
- 12) Access of records of deceased patients.
1. PHI contained in a deceased individual's medical record may be accessed only if:
    - a) The deceased individual specifically granted access prior to his or her death using the CGMHS "HIPAA Authorization for Release of Information to Family Members" form; or
    - b) The individual requesting access has an order from the Probate Court or a court with jurisdiction specifically granting that individual access to the requested PHI.

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- PHI contained in a deceased individual's medical record may be accessed by an insurance company, if the deceased individual signed a release specifically granting the insurance company access to his or her PHI upon death.

### **Related Documentation**

The following documents are related to patient access to PHI and the denial process:

Patient/Patient Representative Request to Access, Inspect or Obtain a Copy of PHI (completed by the patient, retained)

Medical Record Request Fulfillment CGH 927 - Internal (used for fulfill request, retained)  
Denial to Access, Inspect or Obtain a Copy of PHI Form Letter (to the patient, copy retained)

HIPAA Authorization for Release of Information to Family Members (used to grant access to PHI to family member(s) following patient's death)

Knowledge of a violation or potential violation of this policy must be reported directly to the Corporate Compliance Officer.