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Prepared by:
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Medical Records Policy

Purpose: To establish guidelines for the contents, maintenance, and confidentiality of patient Medical Records that meet the requirements set forth in Federal and State laws and regulations, and to define the portion of an individual's healthcare information, whether in paper or electronic format, that comprises the medical/dental record.

Scope: This policy applies to all employees of *(Facility Name)*.

Responsibility: Clinicians, Medical Records Staff and all *(Facility Name)* staff.

Policy: *(Facility Name)* ensures that the medical and dental patient protected health record is maintains in a manner that is consistent with the legal requirements, current, standardized, detailed, organized, available to practitioners at each patient encounter; facilitating coordination and continuity of care, and permits effective, timely, quality review care and service.

Confidentiality

All personnel having access to patient protected health records must sign the Health Center confidentiality statement.

Medical /Dental Health Information may not be disclosed without the consent of the patient.

Patients will be afforded the opportunity to consent to or deny the release of identifiable medical or other information except as require by law

Each patient protected health record will be filed, stored, restricted from public access, utilizing standardized and centralized medical group network tracking system. This system will assure ease of retrieval, availability and accessibility as well as confidentiality of the patient protected health record.

All patients will have the ability to review, inspect and/or obtain a copy of their Protected Health Information in their Medical and Dental Health Record.

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Designated Record Set

An individual record is maintained for each patient. To ensure that all Medical Electronic Health Record and Dental Paper Health Record are maintained in a manner that is consistent with the legal requirements and current standards facilitating effective, timely, quality review of patient care and services.

Patient Access Definitions

To provide definitions to terms found in the Patient Access and Security Rules under HIPAA. Understanding of these definitions will enable all medical staff to ensure all Patient Protected Health Information (PHI) is secure.

Document Identification

All documents must be identified so that proper filing will be complete accurately

All documents should have a patient label clearly identifying the patient so that all documents are placed in the correct patient Medical or Dental Patient Health Record.

The patient label generated from the Practice Management System that provided specified information that uniquely identifies each individual patient.

Patient Access to Protected Health Information

All patients will have the ability to review, inspect and/or obtain a copy of their Protected Health Information in their Medical/Dental record.

Patients may request to review and inspect their Medical/Dental Records at any time. A patient does not have the right to immediate access to his or her medical/dental record under the HIPAA Privacy Rule.

Patient Release of Protected Health Information

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To provide practices protecting the confidentiality, privacy, and security of all Protected Health Information in compliance with patient expectations, regulations, and community standards; including but not limited to the Confidentiality of Medical Information Act and Health Insurance Portability and Accountability Act (HIPPA.)

Medical Records Staff will never under any circumstances release Medical/Dental Record Information without a signed Authorization for Use and/or Disclosure of Protected Health Information Form.

Patients may request a copy of their Medical/Dental Health Information record by completing and signing an Authorization for Use and/or Disclosure of Protected Health Information Form. All patient Medical/dental Health Information requests will be completed within 10 business days.

Patient Referral and Tracking

Patient referral and tracking is an overlapping protocol with clinical protocols for referrals to specialty care. Each facility will need to develop this section in the policy and protocols to match clinical protocols.

Patient Requested Amendment to Protected Health Information

The HIPAA Privacy Rule requires (Facility Name), to act upon a patient's request to amend Protected Health Information about them that they believe is incorrect or erroneous that we keep in a "designated record set," medical and dental health record.

Requests for amendments to Protected Health Information must be acted on within 60 days of receipt of request. Up to an additional 30 day extension is allowable if (Facility Name) is unable to act on the request within the deadline, but (Facility Name) must provide the patient a written reason for the delay and the date by which (Facility Name) will complete the action on the request. This written statement describing the reason must be provided within the standard deadline. (Facility Name) may only extend the deadline once per request for amendment.

Confidentiality Breach Allegation

To provide guidelines for handling a patient's complaint or allegation of confidentiality breach.

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(Facility Name) assures the patient that the health center will honor the patient's right to file a complaint and will not retaliate against them or deny services based on filing a claim.

(Facility Name), Notice of Privacy Practices, informs our patients of their rights under HIPAA's Privacy Rule to file a complaint with our **Medical Records Supervisor/Privacy Officer** and the Office of Civil Rights (OCR) when they have reason to believe we have violated their privacy rights.

The **Medical Records Supervisor/Privacy Officer** or appointed designee will take all complaints and/or allegations of non-compliance seriously and will fully investigate the allegations to determine what course of corrective action, if any, needs to be taken. The **Medical Records Supervisor/Privacy Officer** or appointed designee will notify the patient in writing the outcome of the investigation and what corrective action, if any, was taken within 60 days.

Retention of Medical/Dental Record

(Facility Name) must maintain medical/dental records on all patients in accordance with accepted professional standards and practices. The medical/dental records are completely and accurately documented, readily accessible, and systematically organized to facilitate retrieving and compiling information.

(Facility Name) recognizes the confidentiality of medical/dental record information and provides safeguards against loss, destruction, or unauthorized use. Written procedures govern the use and removal of records and the conditions for release of information.

Destruction of Medical/Dental Record

To provide guidelines on the removal, destruction or recycling of paper and electronic medical/dental records properly. To ensure that during the destruction process the patients' Protected Health Information is not improperly disclosed.

(Facility Name) has a duty to protect the confidentiality and integrity of confidential medical/dental information as required by law, professional ethics, and accreditation requirements. Protected Health Information may only be disposed of by means that assure that it will not be accidentally released to an outside party.

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References

Health Insurance Portability and Accountability Act (HIPAA) Privacy & Security Rule, 45 CFR 160-164.524

COMIA - California Confidentiality of Medical Information Act, California Civil Code Section 56 – 56.16

Medicare Conditions of Participation, 42 CFR Sections 482.24

Title 22 California Code of Regulations, Sections 70749, 70751, 71527, and 71549

Business Records Exception, Federal Evidence 803(6)

Section 13101 - 13424 of Title XIII (Health Information Technology for Economic and Clinical Health Act) of the American Recovery and Reinvestment Act of 2009