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Prepared by:
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Patient Access to Protected health information

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

Responsibility: The Medical Records Supervisor/Privacy Officer is responsible for the maintenance of this protocol. All Medical Records Staff and all (Facility Name) staff have a responsibility to assist in the maintenance of this protocol.

Protocol: 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.

A patient is required to complete the following in accordance with the Release of Protected Health Information Protocol:

- Provide valid picture identification as described in the Release of Protected Health Information Protocol.
- Sign and complete the Authorization for Use and/or Disclosure of Protected Health Information Form.
- The Authorization for Use and/or Disclosure of Protected Health Information Form must be witnessed.

The Medical Records Supervisor/Privacy Officer and/or treating provider will make a decision regarding the patient's request to access their Protected Health Information. The individual making this decision may deny access completely, partially deny access, or permit access. Any denial of access should be based on the permitted reasons stipulated in the HIPAA Privacy Rule.

If access is allowed, the Medical Records Staff will prepare all patient records within 10 business days of the dated request.

If partial access is allowed, notify the patient of the decision by sending them a letter indicating partial access. The Medical Records Staff will prepare all patient records within 10 business days of the dated request.

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Patient Request to Review Records

If the patient is requesting to review their *Protected Health Information* in their Medical/Dental Record, the Medical Records Supervisor/ Privacy Officer will set up a designated place where both the patient and the Medical Records Supervisor will review the contents of the Patient medical/ dental health record.

The Medical Records Supervisor/ Privacy Officer will prepare all patient requests within 10 business days of the dated request.

Exceptions:

Patients will be limited and/or restricted to access of Mental Health Records including substance abuse and HIV testing results. The following is the process that must be following order to ensure confidentiality of the patient's health information:

1. **Psychotherapy notes (Mental Health Record; including drug and ETOH abuse)** - when Chief Medical Officer (CMO) and/or Treating Provider determines that there is a substantial risk of significant adverse or detrimental consequences to a patient seeing or receiving a copy of his or her own mental health record information, the CMO and /or Treating Provider can refuse the patient access.
2. **Blood test for HIV**, health information records concerning public social services, disclosure of information/records for the Department of Health Services, (DHS), concerning state health services, communicable diseases, and developmental disabilities, requires CMO and/or Treating Provider review and approval prior to patient obtaining this information. The CMO and/or Treating Provider can refuse access to this information.

If the CMO and/or Treating Provider deny access of this health information, the CMO and/or Treating Provider must document the request and reason for refusal in the patient medical/dental health record and notify the patient of the denial and their right to designate another practitioner/provider for access to the patient's health record within thirty (30) days.

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If the patient requests a review of the decision, arrange for the Continuous Quality Improvement Committee, (CQI), to review the decision within thirty (30) days and record their response. The Medical Records Supervisor/Privacy Officer will notify the patient of the CQI Committee's decision via written letter.

References:

45 C. F. R. §§160 - 164.524 et seq. (HIPAA)

California Confidentiality of Medical Information Act - Civil Code § 56-56.16

California Health and Safety Code §§ 123110 - 123130

Title 22 C.C.R; California Code Regulation §§ 70751(b) and 71551(b)

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