**SUMMARY STATEMENT**

This policy provides guidance on a patient’s right to access their health information, and to inspect and obtain a copy of their health information.

**APPLICABILITY**

This policy applies to all CAC facilities and healthcare providers that create or maintain protected health information (PHI).

**POLICY STATEMENT**

An individual has the right to request access to inspect and/or obtain a copy of certain protected health information used to make decisions about their care for as long as the information is maintained in the designated record set (DRS) by the CAC; exceptions to this right of access include information not used to make decisions about the patient’s treatment; psychotherapy notes; and information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding, which are not a part of the DRS. The CAC will act upon an individual’s request to access and/or copy their PHI contained in the designated record set within the time frames required by law. Access and the ability to obtain copies will be honored, unless any of the exceptions or grounds for denial outlined in this policy exists. The CAC will comply with the approval, denial, notification, and due process requirements of HIPAA for such access.

The CAC will provide access or copies of the PHI to the individual in the form and format requested, including electronic, if readily producible in the form and format requested. In the event the PHI is not readily producible in the form or format requested, a readable hard copy form or other form agreeable to the individual will be provided.

The CAC will honor an individual’s request for access that directs the copy of the PHI to be transmitted directly to another person designated by the individual, to the extent practicable. The request must be in writing, signed by the individual, and clearly identify the designated person and where to send the copy.

Unless specific restrictions are made upon the records, information received from non-CAC providers that has been used or relied upon by the CAC and is incorporated into the CAC medical record will be included when releasing information that is part of the designated record set maintained by the CAC. If the CAC does not maintain the PHI that is the subject of the individual’s request, but knows where the requested information is maintained, the CAC will inform the individual where to direct the request for access.

**PROCEDURE**

**A. Requests for Access to Inspect or Obtain Copies**

Individuals are informed of their right to access and obtain copies of their PHI in the CAC’s Notice of Privacy Practices. Once the request is received, the CAC will review the request and determine the individual’s rights regarding access.

**B. Provision of Access**

1. Once the request for access has been appropriately made, the Records Custodian will review the request to determine if any of the circumstances for denial of the right to inspect and/or obtain a copy of the PHI exist as outlined under “Denials of Access” below.
2. The Records Custodian will notify the individual or authorized representative of the acceptance or denial of their request for access to inspect or obtain copies within the timeframes established in this policy.

**C. Timeframe**

1. In most cases, the CAC will accept or deny, in whole or in part, the individual’s request within **thirty (30) days** after receipt of the written request.

**NOTE:** The request for access to inspect or obtain a copy should be date-stamped when received.

2. If the CAC is unable to act on the request within the initial 30-day time period, a one-time extension of up to an additional **thirty (30) days** may be granted, ***provided*** the individual is given:

1. A written statement of the reason(s) for the delay, *and*
2. The date by which the request will be processed.

**D. Denials of Access**

1. **General:**
	1. The CAC staff may deny access to certain portions of the medical record for reasons stated below including if the provider believes, in the exercise of professional judgment, that access to the information is reasonably likely to cause substantial harm to the individual or another person or references another person who may be so harmed or cause such harm. Whether the grounds for denial are reviewable or non- reviewable are outlined below.
	2. In cases where a licensed health care professional (including, but not limited to, the attending physician) has previously determined that information contained in the medical record might endanger the life or physical safety of an individual the Request to Withhold Health Information form may be used to document this determination.
2. **Non-Reviewable Grounds for Denial of Access to PHI**The CAC may deny an individual access *without* providing the individual *an opportunity to have the denial reviewed* in the following circumstances:
	1. Request is for psychotherapy notes (not a part of the medical record or DRS),
	2. PHI requested was compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding (not a part of the medical record or DRS);
	3. Information is subject to the Privacy Act, 5 U.S.C. 522(a).
	4. Information was obtained from someone other than a health care provider in confidence and such access would be reasonably likely to reveal the source of the information.
3. **Reviewable Grounds for Denial**The CAC may deny an individual access in the following circumstances, provided that the individual is given the *right to have such denials reviewed* by a licensed health care professional not involved in the original denial as designated by the CAC.
4. A licensed health care professional has determined, in the exercise of professional judgment, that the access is reasonably likely to endanger the life or physical safety of the individual or another person.
5. The information refers to another person (unless such other person is a health care provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person; or
6. The request for access is made by the individual’s legally authorized representative and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to such representative is reasonably likely to cause substantial harm to the individual or another person.

**E. Notification of Acceptance**

1. Records will be provided in the format requested, including electronic format, if possible, as outlined by this Policy.
2. The Records Custodian or designee accepting the request, in whole or in part, may schedule a convenient time for the individual to inspect, obtain a copy, or receive a mailing of PHI requested.
3. The CAC may provide the individual with a summary of the health information requested, in lieu of providing access to the health record, if:
	1. The individual agrees in advance to such a summary or explanation; and
	2. The individual agrees in advance to the fees imposed for such summary or explanation.

**F. Notification of Denial**

1. If the request for access to medical records is denied, the Medical Records Custodian or designee in the Corporate HIM department will provide the individual with a timely, written denial, in plain language, that contains:
	1. The basis of the denial;
	2. If applicable, a statement of the individual’s review rights, including a description of how the individual may exercise such review rights; and
	3. A description of how the individual may complain to the CAC pursuant to the complaint procedures (see CAC Notice of Privacy Practices) if the individual disagrees with the denial including:
		1. Name and telephone number of the CAC Chief Privacy Officer, and
		2. Secretary of the U.S. Department of Health and Human Services.
2. *The CAC must, to the extent possible, give the individual access to any other PHI that was not included in the denial.*

**G. Request for Review of Denial Process**

1. In circumstances where the individual has the right to request a review of a denial, the individual will be instructed to submit a written statement disagreeing with the denial/requesting a review of the denial, to the Records Custodian.
2. The Records Custodian or designee will designate a licensed health care professional who was not directly involved in the original denial, to act as a reviewing official to determine whether the original denial of access should be upheld. Determination is based on the following:
3. Access would endanger the patient or others.
4. The information requested could be used to identify another person and granting access could harm that individual.
5. Access to a patient’s representative may be denied to protect the patient or another individual.
6. The Records Custodian or designee will process the review of denial request.
7. The Records Custodian or designee will send a cover letter to the licensed health care professional identified to conduct the review.
8. The cover letter will instruct the licensed health care professional of the patient’s request for access and indicate a time period in which the licensed health care professional needs to respond.
9. The designated licensed health care professional will promptly review the denial and determine whether or not to deny the access requested.
10. The designated licensed health care professional will sign and complete the form and return it to the Records Custodian or designee.
11. The Records Custodian or designee will provide a written notice to the individual regarding the outcome of the determination as well as route a copy to Enterprise Privacy.

**DEFINITIONS**

**Designated Record Set** means (i) medical records and billing records; (ii) records used, in whole or in part, to make decisions about patients; and (iii) the enrollment, payment, claims adjudication, and case or medical management record systems. (A Designated Record Set does not include Psychotherapy Notes as they are not part of the medical record.)

**Records Custodian** means the person responsible for keeping medical records in the ordinary course of business.