

## **RIGHT OF ACCESS TO PROTECTED HEALTH INFORMATION PROCEDURE**

### **Informal Procedure**

A physician may grant a patient's request to view the patient's own medical records at any time, to the extent that they are readily available. Whether to do so or not is a matter of professional judgment. In order to document compliance with the time limits set by federal and state regulations, the date of the request and the date the patient actually reviews the records must be documented in the medical record.

If the physician does not grant access, based on his or her professional judgment, or if the requested information is not readily available, the patient will be given the option to follow the formal procedure described below.

### **Formal Procedure**

#### Routing

1. Requests to have access to, and/or to receive copies of protected health information will be received by the department manager at the location where the patient makes the request. Requests that are directed generally to BHHF will be referred to the Privacy Official or Designee(s).
2. All requests will be routed to the Privacy Official or Designee(s) for processing.

#### Processing

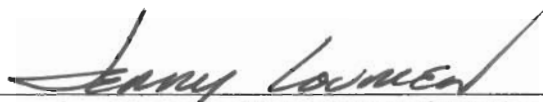
1. The Privacy Official or Designee(s) will assure that the request from the patient is documented in writing.
2. The Privacy Official or Designee(s) will determine which PHI is subject to the request. This is based on the specifics of the request (is it limited to one site, or to certain times?), and on whether the information is in designated record sets.
3. The Privacy Official or Designee(s) will determine, based on the type of information requested and applicable state law, whether access to any of the information requested is subject to denial.
4. The Privacy Official or Designee(s) will identify which physicians and other professionals have treated the patient, and will confer with them regarding whether access to any information should be denied.
5. The Privacy Official or Designee(s) will prepare a response to the patient. If the response includes denial of access to any PHI, a licensed health care professional, who shall make the final determination whether to deny access as proposed by the Privacy Official or Designee(s), will review the response. The Privacy Official or

Designee(s) will retain this determination, and the rationale to support it, for six years or longer if required by state law or regulation.

6. If access to any information is to be denied, the response will include the required elements of a notice of denial of access. The response will comply with the time frames in this policy, or with any more stringent time frames set by state law.
7. The Privacy Official or Designee(s) will communicate with the patient regarding form of access, time and location of access, and costs of any summary or copy of the information. This communication, and the patient's responses, will be documented.
8. The Privacy Official or Designee(s) will make the necessary arrangements for the patient to have access to the requested information, and/or to receive copies of it.
9. The Privacy Official or Designee(s) will receive any request for review of denial, and assure that it is processed in accordance with this policy. The Privacy Official or Designee(s) will designate the health professional who performs the review. The reviewer must be someone who did not participate in the original decision to deny access to the information in question.
10. The Privacy Official or Designee(s) must retain all documentation related to the request for a period of six years or longer if required by state law or regulation.
11. The Privacy Official or Designee(s) may designate other trained members of the workforce to perform the duties assigned to the Privacy Official or Designee(s) in this policy, subject to the supervision of the Privacy Official or Designee(s).

**REFERENCE:** 45 CFR § 164.524  
See also: DESIGNATION OF RECORD SETS  
The Privacy Act, 5 U.S.C. § 552a

Effective Date: 4/14/03  
Dates Revised:



---

Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities