

**BryanLGH MEDICAL CENTER
PROCEDURE**

PATIENTS ACCESS TO THEIR INFORMATION

	DATES
<i>Replaces:</i> <i>East –</i> <i>West –</i>	<i>Effective: 4/14/03</i> <i>Designated Review:</i>

PURPOSE

To establish guidelines for processing a patient’s right to review and obtain hard copies of his or her medical and billing record as stated in the Notice of Privacy Practices and to ensure compliance with the Health Insurance and Portability and Accountability Act (HIPAA).

INTRODUCTION

Pursuant to HIPAA, the U.S. Department of Health and Human Services issued privacy regulations with which hospitals must comply. One of the regulations, 45 C.F.R. 164.524, sets forth when and how a patient or someone acting on his or her behalf can have access to information in the patient's medical record. Requests to access billing records will be handled through Patient Financial Services.

DEFINITIONS:

Access is allowing the patient to inspect his or her protected health information, receive hard copies or both.

SCOPE

Patient Care Areas
Health Information Management (HIM)
Patient Financial Services

EQUIPMENT/SUPPLIES/RESOURCES

1. “Request to Access My Medical Record” Form 1108d

STEPS

1. A patient or legal representative may make a request to a staff member in a patient care area that he or she wishes to review the medical record.
 - A. During Hospitalization
 - A patient or legal representative may make a request to a staff member in a patient care area that he or she wishes to review the medical record.
 - Prior to their reviewing the medical record the patient or legal representative must complete a “Request to Access My Medical Record Form” Form 1108d.

- Review Step C. in this procedure that outlines when a patient may be denied access to his/her medical record before agreeing that the patient may do so. If one of these reasons for denying patient access exists, it should be clearly documented on Form 1108d. A Patient/Family Representative may have to be called to assist with the process.
 - If the patient is allowed to access his or her medical record he or she should be taken to a private area and a staff member remain with them during his or her review of the information.
- B. After Discharge (for complete details refer to HIM's Release of Information Procedure).

- If the request comes after discharge the patient and/or request should be processed by the HIM Release of Information (ROI) section where the patient or his or her representative will complete Form 1108d.

- Review Step C. in this procedure regarding when patient access should be denied and then notify the patient that their request is either denied or accepted.

- The record should be completed by physicians before it is copied for the patient.

- The patient must be informed ahead of time of the fees and agree to pay upon receipt or change the request to be that of copies of the discharge summaries only and be informed of that fee as outlined in Step E.

- Per Federal law all requests will be completed in 30 days. In the event that the request includes records outside of BryanLGH's designated record set (i.e. physicians' offices) the patient will be referred to that entity.

- HIM staff will complete the last half of the "Request to Access My Medical Record Form 1108d and file it in the medical record.

C. Denied Access is based on the following criteria:

- The hospital is acting under the direction of a Correctional Institution and an inmate's request to obtain a copy of their record would jeopardize the health, safety, security, custody, or rehab of the individual, or other inmates, or the safety of any officer, employee, or other person at the correctional institution or person responsible for transporting the inmate.
- The individual agreed to temporary denial of access when consenting to participate in research that includes treatment, and the research is not yet complete.
- The information was obtained from someone other than a healthcare provider under a promise of confidentiality, and access would likely reveal the source of the information.
- The physician or caregiver has determined that the access is likely to endanger the life or physical safety of the individual or another person

- The hospital has knowledge that the record makes reference to another person who is not a healthcare provider, and the physician or caregiver has determined that the access requested is likely to cause substantial harm to such a person.
- The patient will be notified in writing of the denial by ROI.

D. Appeal of Denial

In the event that the patient wants the denial reviewed he/she will be instructed to contact the BryanLGH Patient/Family Representative who will establish a date and time to visit with the patient regarding the denial. The Patient/Family Representative will communicate with the Vice President of Medical Affairs or another designated Medical Staff Leader as to the appropriateness of the denial before visiting with the patient. Notations will be made as to the outcome of the denial on "Request to Access My Medical Record" Form 1108d.

E. Fee Structure for Patients

- There is no charge for the patient reviewing their medical record.
- Copies will be charged at .16 cents per page per cost based analysis.
- If the copies are to be mailed the patient will be billed for postage.
- Payment is expected at the time of pick up or prior to mailing.

Circumstances for which there is no charge to the patient would include:

- Continued care purposes which would involve:
 - Changing physicians
 - Second opinions
 - Relocating and needing information for their future health care

REFERENCES

45 CFR Section 164.524

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Approved by Privacy WorkGroup, HIPAA Advisory Team, Information Management Function Team

KEYWORDS

HIPAA
 Privacy
 Confidentiality
 Patient Access
 Right to Inspect Medical Record
 Medical Record Access

SIGNATURES (Signature Sheet on File)

DATES:

Effective:

Previous Review:

E:

W:

Designated Review: