

**NE SNIP PRIVACY WORKGROUP
PATIENT ACCESS CHECKLIST**

Right to Inspect/Obtain Copies

1. Assign Privacy Officer/individual responsible for receiving/processing access requests
2. Identify/define your designated record sets used to make decisions about individuals
3. Identify records sets/repositories that fit the exceptions to the right of access:
 - Psychotherapy notes
 - Information compiled in anticipation of civil/criminal/administrative proceeding
 - Certain CLIA information
4. Establish procedures for inspecting/obtaining copies of requested records
 - Written form required
 - Time/place for review
 - Cost-based fees for the individual/designated representative's copies
5. Establish documentation process for maintaining lists of designated record sets, individual/office responsible for processing requests, annual analysis of cost-based fees
6. Establish review mechanism and denial of access procedures

Right to Amend/Denial of Request

1. Establish procedures/forms for requesting amendments, including requirement that request be submitted in writing (This requirement must be included in Notice of Privacy Practices.)
2. Define standard grounds for denial of amendment:
 - Not part of designated record set
 - Not created by covered entity/available from originator
 - Accurate/complete
 - Not available under access rules
3. Develop Notice of Denial form including required elements/defining limitations
4. Establish procedures to link amendment request/denial/disagreement statement to designated record sets for subsequent disclosures of PHI
5. Develop procedures for accepting amendment, defining timely action, providing notice to individual/others, amending records in response to an originator's amendment
6. Draft standard contract language for Business Associate agreements requiring BAs to make PHI available for amendment/incorporate covered entity's amendments

Right to an Accounting

1. Establish content/request form/time limits for providing the accounting (Include date, recipient, description, purpose) Be sure form includes:
 - Reminder of 60-day response/ability to make written request for 30-day extension
 - No charge for first request in any 12-month period
 - Advance notice of cost-based fee
2. Establish policy to annually analyze/document reasonable cost-based fee
3. Note disclosures that do not need to be included in an accounting :
 - For treatment, payment or healthcare operations
 - More than six years ago.
 - Disclosures to the individual
 - For facility directories
 - Where individual had opportunity to agree/object
 - National security/law enforcement/correctional institutions

Documentation

1. Establish policy/procedure to document/retain for 6 years copies of:
 - Request form
 - Actual accounting
 - Title of person/designated office responsible for processing accounting