


**COUNTY OF IMPERIAL
DEPARTMENT OF BEHAVIORAL HEALTH SERVICES**

POLICY AND PROCEDURE MANUAL

SUBJECT: Granting a Request for Access To Inspect and Obtain a Copy of Protected Health Information	PROCEDURE: 01-29
	EFFECTIVE DATE: 10-29-21
SECTION: Administration	PAGE: 1 of 5
	SUPERSEDES: 4-14-03
REFERENCE: 45 C.F.R. Section 164.524	APPROVED BY: 

PURPOSE: To establish a procedure to ensure that clients and their personal representatives have a right to access to inspect and obtain a copy of the individual's protected health information (PHI) in the designated record set maintained and retained by ICBHS.

SCOPE: The information in this document applies to all members of the workforce which includes employees, contract employees, volunteers, and trainees, etc., granted access to protected health information (PHI).

NOTES: The Health Insurance and Portability and Accountability Act of 1996 (HIPAA) provides individuals with new rights regarding how their health information is maintained and communicated. These patient rights are mandatory and ICBHS' mental health and alcohol and drug programs as covered entities under HIPAA, must assure, in compliance with Section 164.524 that individuals have the right, with certain exceptions, of access to inspect and obtain a copy

of protected health information kept in the designated record set.

DEFINITIONS:

Access: The right of an individual to inspect and/or obtain a copy of PHI in the designated record set for as long as the information is maintained by the covered entity in the designated record set.

Designated Record Set: A group of records maintained by or for covered entity that is the medical records and billing records about individuals maintained by or for a health care provider; the enrollment, payments, claims adjudication, and case or management record systems maintained by or for a health care provider; or used, in whole or in part, by or for ICBHS to make decisions about individuals.

HIPAA: Health Insurance Portability and Accountability Act. The federal law passed in 1996 that provides national standards for health information.

Individual: Under HIPAA, individual means the person who is the subject of PHI. In this procedure, the term "client" is used to refer to the individual.

Personal Representative: A person who has authority under applicable law to make decisions related to health care on behalf of an adult or an emancipated minor, or the parent, guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor, except where the minor is authorized by law to consent to a health care service, or where the parent, guardian or person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.

Protected Health Information (PHI): Individually identifiable information relating to past, present, or future physical or mental health condition of an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual transmitted or maintained in any

form or medium including oral, written, or electronic communication.

Record: Any item, collection, or grouping of information that includes PHI and is maintained, collected, used, or disseminated.

Workforce: Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity. In this procedure, the term "employee" is used to refer to members of the workforce.

PROCEDURE:

PERSON RESPONSIBLE:

ACTION:

Client/Personal

Representative

1. Requests access to PHI to inspect and obtain a copy of PHI in designated record set using an **Access to Records Request/Solicitud Para Acceso A Expediente** form.

ICBHS Employee

2. Within five (5) days, arranges a mutually convenient time and place for the client to inspect or obtain a copy, or both, of the requested PHI.

Note: Inspection of the PHI will be carried out with staff supervision. Staff will make necessary copies.

3. Documents the approval and date on which the client may inspect or obtain a copy, or both, of the requested PHI on the **Access to Records Request/Solicitud Para Acceso A Expediente** form. Routes the form as follows:

ICBHS Employee (cont.)

Original: Chart
Canary: Client
Pink: Privacy Officer

4. Provides the client with access to the PHI in the requested form or format, if it is readily producible in such form or format.
5. If the PHI is not readily producible in such form or format, provides the client with a readable hard copy form, or other form agreed to by the client and ICBHS.

Note: ICBHS may provide the client with a summary of the PHI requested, in lieu of providing access to PHI, or may provide an explanation of the PHI to which access has been provided, if the client agrees in advance to a summary or explanation and to the fees imposed, if any, by ICBHS for the summary or explanation.

6. If the client requests a copy of the PHI or agrees to a summary or explanation of such information, ICBHS may impose a reasonable cost-based fee, provided that such fee includes only the cost of:
 - a. copying;
 - b. postage (when the client has requested the copy, summary, or explanation be mailed); and,
 - c. preparing an explanation or summary of the PHI, if agreed to

ICBHS Employee (cont.)

by the client in lieu of providing access to the PHI.

Note: If, after inspection of the PHI the client feels it is inaccurate or incomplete, the client has the right to request an amendment of PHI. ICBHS will process the request for an amendment according to Procedure 01-13, Request to Amend Protected Health Information.

ICBHS

7. Retains a record of the request for access to request for access to records for (6) years from the date of its creation or the date it was last in effect, whichever is later, or such longer period required by state law or other federal law.

It is ICBHS' records retention policy that all records be kept a minimum of seven (7) years from the date of discharge, except for minors, whose records shall be kept at least one (1) year after the minor has reached the age of eighteen (18), but in no case less than seven years.

Forms used in this procedure:

Access to Records Request
Solicitud Para a Acceso Expediente

ICBHS 00-30
ICBHS 00-44