

MEDICAL ACCOUNTS RECEIVABLE SYSTEMS POLICIES AND PROCEDURES FOR INDIVIDUALS' PHI RIGHTS

INTRODUCTION

Under HIPAA, in addition to being able to request an accounting of Protected Health Information (PHI) disclosures, individuals also have the right to request access to, obtain a copy of, and request corrections to their protected health information maintained in a designated record set

POLICIES AND PROCEDURES

RIGHT TO INSPECT AND COPY

1. Individuals have the right to inspect and obtain a copy of their designated record set. A Designated Record Set is simply protected health information records that are used, in whole or in part, to make decisions about individuals, their treatment, or billing for services rendered.
2. Individuals wishing to inspect and/or copy their designated record set must submit their request in writing to the Privacy Coordinator at our mailing address using the form "Request for Access to PHI".
3. Individuals may be denied access for the following reasons:
 - a. Access is reasonably likely to endanger the life or physical safety of the individual or another person
 - b. The information requested constitutes Psychotherapy notes
 - c. The information requested was compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding
 - d. The information is subject to (and access is denied under applicable provisions) or exempted from the Clinical Laboratory Improvements Amendments of 1988 (CLIA)
 - e. As an inmate, the individual's access can be denied by a correctional institution or us, as a provider acting under the direction of a correctional institution, if such access would jeopardize the health, safety, security, custody or the rehabilitation of the individual or other inmates, or the safety of any officer, employee or other person at the correctional institution or responsible for the individual's transportation
 - f. The information was obtained in the course of research that includes the individual's treatment and access will be denied while research is in progress
 - g. The information requested that is also subject to the Privacy Act, 5 U.S.C. 552a.
 - h. The requested PHI was obtained from someone other than a health care provider under a promise of confidentiality and such access would be reasonably likely to reveal the source of the information
4. We will respond within fifteen (15) calendar days to any written request for access to PHI. If additional time is needed, we will inform the individual within the fifteen (15) days in writing of the delay, the reason for the delay, and the date the request will be fulfilled that will be no later than 45 days from the original request.
5. Denials for access will be communicated via a written letter to the address specified by the individual.
6. If access is granted, a copy of the individual's requested PHI will be made available for the individual to review or will be mailed to an address designated by the individual.
7. If individuals request a copy of their PHI, we will charge a reasonable cost-based fee for the costs of copying, mailing or other supplies associated with the request. The fee schedule is based on our costs for copy supplies and labor costs for copying. We currently charge \$2.00 per page for

copies plus the actual cost of postage for mailing. For faxing documents, we charge \$1.00 per page for the cost of fax supplies and telephone line costs.

8. We will notify the individual of the cost involved and the individual may choose to withdraw or modify the request at that time before any costs are incurred.
9. Individuals must pay the fee in full before they can obtain a copy of the information; however, individuals have a right to inspect their PHI without paying any fee.

RIGHT TO AMEND

1. If the individual feels that the information we have about them in their designated record set is incorrect or incomplete, they may ask us to amend the information. A Designated Record Set is simply protected health information records that are used, in whole or in part, to make decisions about individuals, their treatment, or billing for services rendered. For many companies, this mainly includes medical and billing records for an individual.
2. Individuals have the right to request an amendment for as long as the information is kept.
3. To request an amendment, the individual's request must be made in writing and submitted to the Privacy Coordinator at our mailing address. The individual should include the reason that supports the request.
4. A written response will be mailed to the individual within sixty (60) calendar days on the disposition of their amendment request. If additional time is needed, we will inform the individual within the thirty (30) days in writing of the delay, the reason for the delay, and the date the accounting will be provided that will be no later than 90 days from the original request.
5. If the amendment request is accepted by us we will:
 - a. Add the amendment to the individual's PHI
 - b. Inform the individual that the amendment was accepted
 - c. Ask the individual in writing to identify entities that should be notified of the amendment
 - d. Obtain the individual's permission to contact those entities
 - e. We will make a reasonable effort to inform entities, including other business associates, to whom we have disclosed the information and who could be predicted to use the information to the extent that the individual agrees that we may notify these entities
6. We may deny an individual's request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny an individual's request if they ask to amend information that:
 - a. Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
 - b. Is not part of the designated record set kept by our office
 - c. Is not part of the designated record set which they would be permitted to inspect and copy (see item 2 previous section); or
 - d. Is accurate and/or complete
 - e. The information constitutes psychotherapy notes

7. If the amendment request is denied by us we will:
 - a. Provide a written denial notice within sixty (60) calendar days
 - b. Permit the individual to submit a written statement disagreeing with the denial and to give the basis for the disagreement
 - c. May write a rebuttal to the disagreement and provide a copy of the rebuttal to the individual
 - d. Will append the following to the record containing the disputed information:
 - Request for amendment
 - Denial of amendment
 - Statement of disagreement
 - Written rebuttal

8. We will include in any subsequent disclosure of the PHI contained in the disputed record:
 - a. The request for amendment that was submitted by the individual (or an accurate summary of the request)
 - b. The denial of request for amendment
 - c. Any statement of disagreement (or an accurate summary of the statement) submitted by the individual
 - d. This company's rebuttal of the statement of disagreement