

## **Dr. Mendy Maccabee**

**SECTION: Access**

**TITLE:** Medical Records Request

**POLICY #:**

**EFFECTIVE DATE:** 9/28/2019

**REVISION DATE:**

**ISSUED BY:** **Manager**

**APPROVED BY:** **Board of Directors**

**SCOPE:** All Departments

### **PURPOSE:**

To provide individuals with access to their personal health information (PHI) in accordance with federal legislation 45 CFR 164.524. Patient records shall be stored for a minimum of 10 years. Patient access to their PHI encourages patient engagement in their care and hopefully better decision making. Regulations under HIPAA protect patient personal health information including the right to see and receive copies upon request. The designated records which patients have the right to access are:

- Medical records and billing records maintained by or for a healthcare provider;
- Enrollment, payment, claims, case or medical management records maintained by a health insurance plan; or
- Other records used by the covered entity for patient care, whether the PHI was or was not used for decision making.

Patients do not have the right to access PHI that is not part of designated records, for example, quality assessments, patient safety activities, business planning, management of the entity. Two categories are excluded from right to access are: psychotherapy notes and information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action in accordance with 45 CFR 524(a)(1)(ii).

### **POLICY:**

Patients must have signed our registration document acknowledging the Notice of Privacy Rule and patients must complete the Patient Request to Access PHI form.

Patients may inspect their records on-site at NWBS or on the patient portal at no charge or obtain records by paper, secure email or mail or fax for a fee. The fee for processing the medical record request is based upon the Office of Civil Rights guidance which allows for the cost of labor, supplies, postage if mailed, and imaging discs. The average cost method described in the OCR guidance is used for determining cost of labor, supplies, and/or postage. Payment is due prior to releasing records.

When we refer patient to a provider or facility there is no charge for medical records. There is no charge for providing records for insurance claim adjudication and insurance company claim audits which should be processed electronically.

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Patient medical records may be used or disclosed without obtaining an individual authorization for the providers plan and treatment, payment or healthcare operations or as allowed by law.

### **PROCEDURE:**

Patient or designated personal representative completes the Patient Request to Access PHI form and sends to the office.

Access team will process the request including the Response to Patient Request to Access PHI form within 30 days of receiving a properly completed request from. And ensure the Notice of Privacy rule acknowledgment is on file in the patient record or secure acknowledgement when processing the request.

Access team will verify the identity of the individual making the request for access to PHI by telephone validating full name and date of birth. During the same call inform patient or designee the cost of the medical records request, send Invoice by email, and collect by credit card or check by mail.

Access team will record medical requests in the Medical Records Requests Log and complete the Response to Patient Request to Access PHI form and send to patient in secure email message with Request for Delivery Receipt to confirm being sent. Save the request and response forms in the patient chart.

**Paper, Fax, Scanned Paper**

**Avg Cost**

**Email, or other electronic submission**

**Avg Cost**

**<10 pages**

**\$20.00**

**Clinical records**

**\$20.00**

**11 to 20 pages**

**\$25.00**

**Billing records**

**\$10.00**

**21 to 30 pages**

**\$30.00**

**Diagnostic Image Disc**

**\$10.00**

**31 to 40 pages**

**\$35.00**

**41 to 50 pages**

**\$40.00**