



Wintergreen Fire and Rescue Standard Administrative Policy	
Subject:	Health Record Disclosure
Reference Number:	ADM 05-014
Effective Date:	16-Nov-04
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Signature of Approval	Curtis Sheets, Chief

Purpose:

The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) grants individuals the right to access their protected health information (“PHI”) contained in an electronic patient care record (ePCR). Wintergreen Rescue Squad must afford individuals this right of access in accordance with federal and state law. To ensure that Wintergreen Rescue Squad complies with its obligations, this policy outlines our procedures for handling requests for patient access and establishes the procedures by which patients or authorized representatives may request access to PHI.

Scope:

This policy applies to all Wintergreen Rescue Squad staff and volunteer members who receive requests from patients for access to PHI. Generally, all access requests will be directed to the HIPAA Compliance Officer (Deputy Chief) and it shall be the responsibility of the HIPAA Compliance Officer to handle all access requests.

Procedure:

Requests for Access from the Patient or the Patient’s Personal Representative

1. Patients and their authorized representatives shall be granted a right of access to inspect and obtain a copy of their PHI contained in a ePCR maintained by Wintergreen Rescue Squad.
2. If a patient or their authorized representative requests access to or a copy of a patient’s PHI, the requester shall be referred to the HIPAA Compliance Officer. The HIPAA Compliance Officer shall request that the patient or authorized representative complete Wintergreen Rescue Squad’s “HIPAA Consent to Release” Form.
3. The HIPAA Compliance Officer must verify the patient’s identity, or, if the requestor is not the patient, the name and identity of the representative and whether the representative has the authority to act on the patient’s behalf. The use of a driver’s license, social security card, or other form of government-issued identification is acceptable for this purpose. If it is impossible for the requestor to physically come in to make the request and verify this information, the HIPAA Compliance Officer shall ask the requestor to verify the patient’s name, date of birth, SSN, address, and telephone number over the phone and ask the requestor to submit the “HIPAA Consent to Release” form via email, mail or fax.

4. Upon receipt of the completed “HIPAA Consent to Release” form and verification of the requestor’s identity, the HIPAA Compliance Officer will act upon the request within 30 days, preferably sooner. Generally, Wintergreen Rescue Squad must respond to requests for access to PHI within 30 days of receipt of the consent request.
5. If Wintergreen Rescue Squad is unable to respond to the request within these time frames, the requestor must be given a written notice no later than the initial due date for a response, explaining why Wintergreen Rescue Squad could not respond within the time frame, and in that case Wintergreen Rescue Squad may extend the response time by an additional 30 days.

Requests for Access from the Patient’s Attorney

1. If Wintergreen Rescue Squad receives a request for a patient’s PHI from the patient’s attorney, the HIPAA Compliance Officer shall verify that the patient has authorized the release of PHI. Generally, the request should be accompanied by a form or letter, signed by the patient, stating that the patient authorizes the release of the requested PHI to the attorney. If there is a signed form or letter from the patient authorizing the release of the PHI requested (or some other valid authorization from the patient), then the HIPAA Compliance Officer may release the PHI to the attorney in accordance with what the authorization states.
2. If the request from the patient’s attorney is not accompanied by a signed request form or letter from the patient (or some other valid patient authorization), the HIPAA Compliance Officer shall contact the attorney and inform the attorney that Wintergreen Rescue Squad will not release the information without valid authorization from the patient. Wintergreen Rescue Squad shall not release any PHI to the attorney until the patient authorizes the release.

Approval of a Request for Access

1. Upon approval of access, the patient or authorized representative should generally be provided the right of access in the manner requested on the Form. Wintergreen Rescue Squad will either provide a copy of the PHI to the requestor in the format requested or arrange for a convenient time for the patient to come to Wintergreen Rescue Squad to receive a copy of their PHI. If Wintergreen Rescue Squad uses or maintains the PHI requested electronically, Wintergreen Rescue Squad will provide a copy of the PHI in an electronic format if the patient or authorized representative requests an electronic copy. Wintergreen Rescue Squad will also transmit a copy of the PHI directly to an entity or person designated by the patient or authorized representative, provided that the written direction is signed and clearly identifies the designated party.
2. Wintergreen Rescue Squad will establish a reasonable charge for copying PHI for the patient or authorized representative in accordance with federal and state laws. The fee for providing an electronic copy of PHI shall not be greater than Wintergreen Rescue Squad’s labor costs in responding to the request for the copy.

The HIPAA Compliance Officer shall consult with legal counsel regarding applicable laws regarding fee limitations.

3. The requestor will not be given access to the actual files or systems that contain the ePCR. Rather, copies of the records shall be provided for the patient or requestor to view in a confidential area under the direct supervision of a designated Company staff member. **UNDER NO CIRCUMSTANCES SHOULD ORIGINALS OF PHI LEAVE THE PREMISES.**
4. Whenever a patient or requestor accesses an ePCR, a note should be maintained indicating the time and date of the request, the date access was provided, what specific records were provided for review, and what copies were left with the patient or requestor.

Denial of a Request for Access

1. If the request for access is denied, the HIPAA Compliance Officer shall send the requestor a “Denial of Request for Access to Protected Health Information Form,” outlining the reason for the denial and explaining the individual’s rights regarding the denial. Patient access may be denied for the reasons listed below:
 - a. If the information the patient requested was compiled in reasonable anticipation of, or use in, a civil, criminal or administrative action or proceeding;
 - b. If the information the patient requested was obtained from someone other than a healthcare provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information;
 - c. If a licensed healthcare professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person;
 - d. If the PHI makes reference to another person (other than a healthcare provider) and a licensed health professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to that person; or
 - e. If the request for access is made by a requester as a personal representative of the individual and a licensed health professional has determined, in the exercise of professional judgment, that access is reasonably likely to cause harm to the individual or another person.