

# Great Rivers Behavioral Health Administrative Services Organization

Policy Title:	<b>Individual's Right to Access</b>	Policy No. <b>5010.01</b>
Category:	Privacy & Security	Date Approved: 01/10/2020 Date Revised: 09/10/2021 Date Reviewed: 8/24/2021
Reference:	Washington Health Care Authority Contract with Great Rivers Behavioral Health Administrative Services Organization 45 CFR 164.524 RCW 70.02	

## Policy:

- 1.1. In compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 CFR Part 2, Washington State Law, and any applicable Business Associate Agreements (BAAs), Great Rivers Behavioral Health Administrative Services Organization (Great Rivers BH-ASO) will provide and protect an Individual's right to access certain information maintained by Great Rivers BH-ASO. Great Rivers BH-ASO has both direct obligations as required by law and contractual obligations to provide access to PHI.
- 1.2. Great Rivers Behavioral Health Administrative Services Organization (Great Rivers BH-ASO) will consider all requests for access to inspect and obtain a copy of Protected Health Information (PHI) that is maintained by Great Rivers BH-ASO in an Individual's designated record set (see Policy 5006 Designated Record Set), subject to exceptions.

## PROCEDURE:

- 2.1. Great Rivers BH-ASO will require that Individuals make their request in writing using the appropriate form or method that has been designed by Great Rivers BH-ASO for that purpose. At a minimum, the form will contain:
  - 2.1.1. Identification of the specific PHI that the Individual wishes to access;
  - 2.1.2. The reason for the request (this is optional for the Individual);
  - 2.1.3. Whether the Individual wishes to inspect and/or obtain copies of the PHI;
  - 2.1.4. Notification of the cost Great Rivers BH-ASO will charge for copying and postage; and
  - 2.1.5. Notification of their right to obtain a summary or explanation of the information including the cost of that service.
- 2.2. All requests for access will go to Great Rivers BH-ASO's Privacy Officer.
- 2.3. The initial determination about whether or not an Individual should be granted or denied access to PHI in the designated record set will only be made by a licensed professional in consultation with their supervisor or the Privacy Officer. Great Rivers BH-ASO's

Compliance Officer will train all staff on Great Rivers BH-ASO's policy and procedures with regard to Individual access to PHI.

- 2.4. Great Rivers BH-ASO will deny an Individual's access to PHI, and that denial will not be subject to review, if the PHI request is contained in:
  - 2.4.1. Psychotherapy notes;
  - 2.4.2. Records or documents compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding;
  - 2.4.3. The PHI is subject to the Federal Privacy Act, 5 U.S.C. 522a;
  - 2.4.4. The information was obtained under the promise of confidentiality from another person (not a healthcare provider) and the access requested would be reasonably likely to reveal the source of that information.
  - 2.4.5. The information was created or obtained in the course of research that involves treatment when the individual agreed to the denial of access for the duration of the research (that includes treatment) when consenting to participate in the research, and the individual has been informed that access will be reinstated upon completion of the research.
  - 2.4.6. An inmate requests a copy of PHI and it is determined that such a copy would jeopardize the health, safety, security, custody, or rehabilitation of the individual or other inmates or the safety of an officer or other person responsible for transporting the inmate. Great Rivers BH-ASO will provide an inmate with the right to inspect their PHI unless other grounds for full or partial denial exist.
- 2.5. Great Rivers BH-ASO may deny an individual access to their PHI; however, the individual has the right to have such denials reviewed in the following circumstances:
  - 2.5.1. A licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably like to endanger the life or physical safety of the individual or another person;
  - 2.5.2. The PHI makes reference to another person (not a health care provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access is reasonably likely to cause substantial harm to that other person; or
  - 2.5.3. The request for access is made by the individual's personal representative and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the Individual or another person.
- 2.6. It is Great Rivers BH-ASO's policy to deny Individuals access to their PHI only infrequently and in unusual circumstances and, when access is denied, it must be for one of the reasons listed above. Furthermore, Great Rivers BH-ASO will provide access, to the extent possible, to any other requested PHI that is not part of the PHI to which access has been denied.
- 2.7. When an Individual has been denied access for one of the reasons that are subject to review, it is Great Rivers BH-ASO's policy to respond in writing giving the basis for the denial in plain language within the time period set forth below. Great Rivers BH-ASO will also inform them of an Individual's right to request a review of the denial of access and provide

a description of how the Individual may file a complaint with Great Rivers BH-ASO or with the Secretary of United State Department of Health and Human Services (HHS).

- 2.8. In any case where the Individual requests a review of the denial, Great Rivers BH-ASO will promptly refer the matter to another licensed healthcare professional who has not been directly involved in the denial, for their review. Great Rivers BH-ASO will also promptly inform the Individual, in writing, if the reviewer upholds the denial. In those cases, where the reviewer permits access, the Individual will be informed.
- 2.9. Great Rivers BH-ASO will act on a request for access no later than thirty (30) days after the receipt of request. When Great Rivers BH-ASO has agreed to grant access to PHI, the Individual will be notified and arrangements will be made to do so within thirty (30) days from the date of the request.
- 2.10. If Great Rivers BH-ASO is unable to take action as describe above, Great Rivers BH-ASO may obtain a single, thirty (30) day extension (no more than sixty (60) days in total). Great Rivers BH-ASO will notify the Individual of the reasons for delay and the date of completion by means of a written statement.
- 2.11. When Great Rivers BH-ASO has agreed to inspection of the designated record set, Great Rivers BH-ASO will arrange a mutually agreeable time and place for the inspection.
- 2.12. Great Rivers BH-ASO will provide the requested access, including inspection, or obtaining a copy, or both, of the PHI in the designated records set. If the same PHI that is the subject of a request for access is maintained in more than one designated record set or at more than one location, Great Rivers BH-ASO will only produce the PHI once in response to the request.
- 2.13. When Great Rivers BH-ASO has agreed to provide copies of the requested PHI, Great Rivers BH-ASO will honor Individual's preference for the media in which to receive it, whether paper or electronic (where available). If Great Rivers BH-ASO cannot agree on how the PHI will be produced, then Great Rivers BH-ASO will produce the PHI in readable hard copy.
- 2.14. Great Rivers BH-ASO may charge a reasonable, cost-based fee, provided that the fee includes only the cost of:
  - 2.14.1. Labor for copying the PHI requested by the Individual, whether in paper or electronic form;
  - 2.14.2. Supplies for creating the paper copy or electronic media if the Individual requests that the electronic copy be provided on portable media;
  - 2.14.3. Postage, when the individual has requested the copy, or the summary or explanation be mailed; and
  - 2.14.4. Preparing an explanation or summary of the PHI, if agreed to by the Individual.
- 2.15. The Individual will be notified of the charges prior to Great Rivers BH-ASO copying and preparing the explanation or summary. However, if the individual is requesting the PHI for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial need-based benefit program, Great Rivers BH-ASO will furnish the PHI within thirty (30) days of the request at no charge to the individual.
- 2.16. In those cases, where Great Rivers BH-ASO receives a request for PHI that they do not maintain, but know where it is maintained, Great Rivers BH-ASO will inform the Individual of the location of the PHI.

2.17. Great Rivers BH-ASO will document the following and maintain the documentation:

- 2.17.1. The designated record sets that are subject to access by Individuals; and
- 2.17.2. The titles of the persons responsible for receiving and processing requests for access by individuals.

POLICY SIGNATURE

DocuSigned by:  
**Vickie L. Raines**  
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12/10/2021

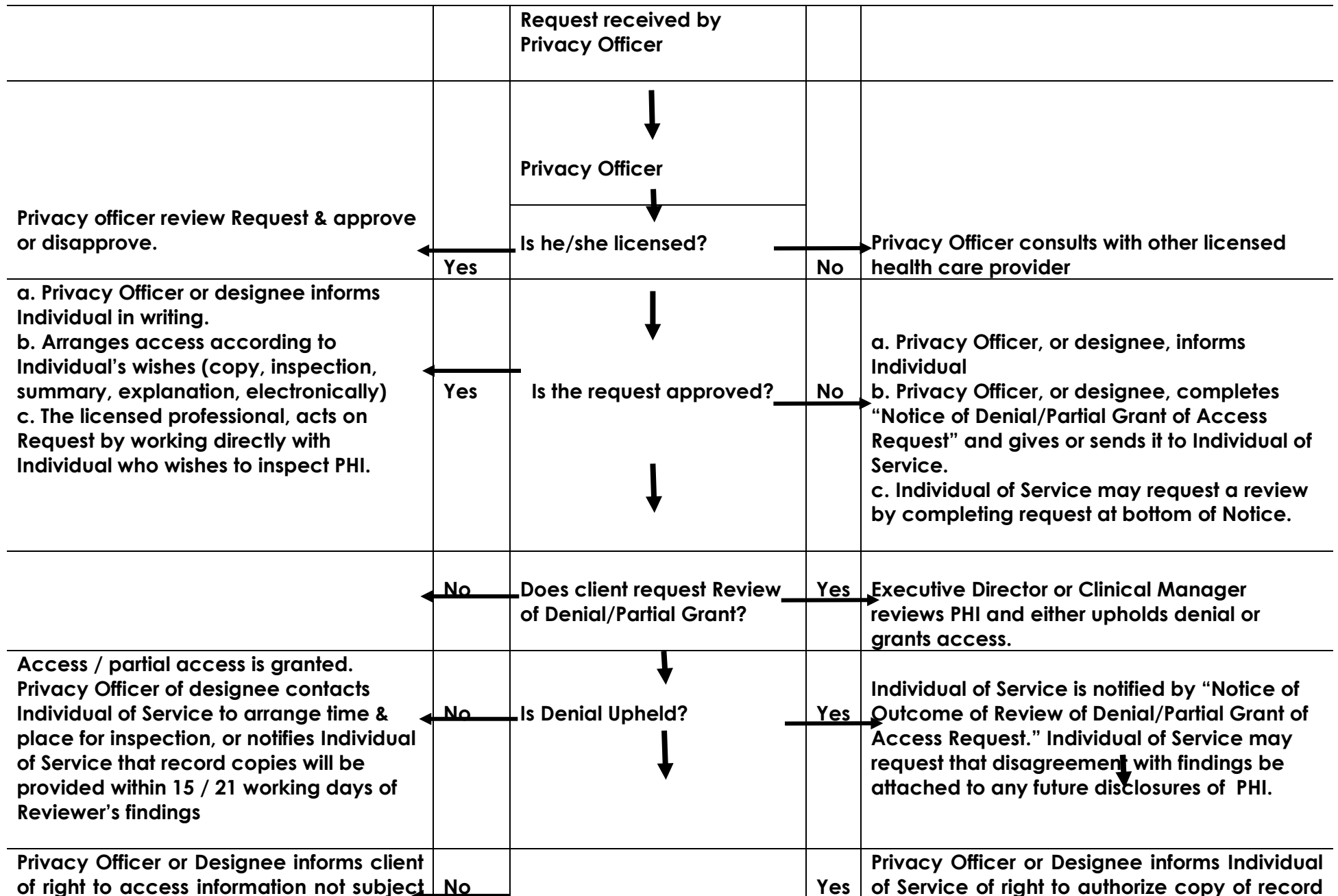
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Vickie L. Raines, Chair  
Great Rivers BH-ASO Governing Board

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Date

**Attachment A: PROCEDURE FOR APPROVING / DENYING CONSUMER ACCESS TO PHI IN THE MEDICAL RECORD ONLY**



<p>to denial and that redaction will occur as possible to allow Individual of Service the most access possible.</p>		<p>Is the request for the entire record?</p>	<p>→</p>	<p>be sent to designated attorney and/or psychotherapist and arranges for disclosure of entire record to be sent to attorney according to Great Rivers Policy 2 RE Authorizations, if Individual of Service wishes to exercise this right.</p>
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**Attachment B: PROCEDURE FOR APPROVING / DENYING CLIENT ACCESS TO PHI IN THE BILLING RECORD ONLY**

		<p>Request received by Business Office Manager or designee</p>		
<p>Request denied/partially granted; Business Office Manager or designee notifies the <i>Privacy or Compliance Officer</i>, who must approve the denial or partial grant</p>	<p>No</p>	<p>↓ Business Office Manager or designee determines if request should be denied or approved. ↓ Does Business Office Manager or designee approve the Request?</p>	<p>Yes</p>	<p>Request Approved Business Office Manager or designee informs Individual of Service by completing the Agency Response to Request for Access, and arranges access according to Individual of Service's wishes (copy, inspection, summary, explanation, electronically) as indicated on Request for Access</p>
<p>Request is denied. Business Office Manager or designee informs Individual of Service by completing the "Agency Response to Request for Access" and "Notice of Denial/Partial Grant of Access Request". This form includes a means for Individual of Service to notify Great Rivers and request review of the decision.</p>	<p>Yes</p>	<p>Does the Privacy Officer approve the Denial of Request? ↓</p>	<p>No</p>	<p>□ Business Office Manager or designee informs Individual of Service by completing the Agency Response to Request for Access and arranges access according to Individual of Service's preferences as indicated on "Individual of Service's Request for Access" form. (copy, inspection, summary, explanation, electronically)</p>

<p>Individual of Service may have access to the PHI granted partially, if applicable; Business Office Manager or designee arranges access</p>	<p>No</p>	<p>Does client request Review of Denial/Partial Grant?</p>	<p>Yes</p>	<p>Executive Director or Clinical Manager reviews PHI and either upholds denial or grants access.</p>
<p>Access / partial access Is granted Business Office Manager of designee contacts Individual of Service to arrange time &amp; place for inspection, or notifies Individual of Service that record copies will be provided within 15 / 21 working days of Reviewer's findings</p>	<p>No</p>	<p>Is Denial Upheld?</p>	<p>Yes</p>	<p>"Notice of Outcome of Review of Denial/Partial Grant of Access Request" notifies client. Individual of Service may request that disagreement with findings be attached to any future disclosures of PHI.</p>
<p>Business Office Manager or Designee informs client of right to access information not subject to denial and that redaction will occur as possible to allow Individual of Service the most access possible.</p>	<p>No</p>	<p>Is the request for the entire record?</p>	<p>Yes</p>	<p>Business Office Manager or Designee informs Individual of Service of right to authorize copy of record be sent to designated attorney and/or psychotherapist and arranges for disclosure of entire record to be sent to attorney according to Great Rivers Policy 2 RE Authorizations, if Individual of Service wishes to exercise this right.</p>