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## SCOPE

This Policy and Procedure applies to:

- Ambulatory Services - Ambulance
- Ambulatory Services - Clinics
- Ambulatory Services - Home and Community
- Maple Grove Hospital
- North Memorial Health Hospital

## PURPOSE

The customer medical record is the property of North Memorial Health/Maple Grove Hospital and shall be maintained to serve the customer, the health care providers and the institution in accordance with legal, accrediting and regulatory agency requirements. All customer care information shall be regarded as confidential and available only to authorized users. The customer, customer's representative or authorized requester shall be allowed access to medical records according to state and federal laws upon request with proper identification and reasonable notice.

## POLICY

Any release of records shall comply with the HIPAA Privacy Rule, MN Statutes and North Memorial Health/Maple Grove Hospital Policies and Procedures relating to Release of Information. The Health Information Management (HIM) Department serves as a resource for questions relating to the release of information.

No information shall be released from the medical record or from any departmental systems unless authorized in accordance with all applicable legal, accrediting, and regulatory agency requirements, and in accordance with written institutional procedures.

A copy of the requested health information will be provided upon request and payment of fees in accordance with state and federal laws.

## PROCEDURE

### I. Requests for Information

- A. All requests for medical records of customers whose records are maintained at North Memorial Health Hospital/Maple Grove Hospital shall be directed to the HIM Department. This includes requests from patients who are currently hospitalized or requests received in outpatient settings.
- B. Only HIM Department staff, or staff specifically authorized by HIM leadership may release medical records. HIM will work with staff to determine appropriate method for release.

### II. Approval to Release

- A. Releases that do not require authorization:
  - a. The *Consent for Services* and *Notice of Privacy Practices* include descriptions of what information can be disclosed by NMH/MGH without patient authorization, this includes:
    - i. Releases for treatment reasons;
    - ii. Releases for payment/billing;
    - iii. Releases necessary for health care operations of NMH/MGH; and
    - iv. Other releases specifically permitted by law.
  - b. Requests for medical record information received via telephone in emergency situations will require proper identification and verification to assure that the requesting party is entitled to any release of information.
  - c. Treatment of certain records:
    - i. Records containing mental health information are treated with the same degree of confidentiality as other health records,
    - ii. Chemical dependency assessment and treatment records must be treated in accordance with federal regulations (42 CFR Part 2) applicable to these records.
  - d. A customer may request to restrict disclosure to a health plan for visit specific information when the service provided is to be paid in full out of pocket. See *Do Not Bill Insurance Release Restriction Policy* and Procedure.

B. Releases that Require Authorization

- a. If a request is received for information that is not covered by the *Consent for Services* or *Notice of Privacy Practices*, an authorization must be completed. See Attachment B.
- b. Upon receipt of a completed authorization, copies of the medical records shall be provided to authorized requesters.
- c. If NMH/MGH does not maintain the medical records that are being requested, HIM will make reasonable efforts to inform the customer where to direct the request.

C. Personal Access

- a. A customer may request access to or obtain a copy of his or her own medical record in the form or format requested. Inform the customer that the request must be in writing.
- b. A customer may request that his or her medical record be provided to another person designated by the customer. The request must be in writing, dated and signed by the customer, clearly identify the designated person, what information to release and where to send it.
- c. Only HIM Department staff, or staff specifically authorized by HIM leadership, may release the information.

III. Fees

- A. The cost to the customer for retrieval and copies shall be in accordance with the HIPAA Privacy Rule and MN State Statute 144.292, Subd. 6. See Attachment A.

IV. Restriction to Release of Records

- A. Access to the customer's own medical record may be restricted if the provider reasonably concludes that:
  - a. Knowledge of the health care information would be injurious to the physical or mental health of the customer, or
  - b. Knowledge of the health care information is likely to cause the customer to self-harm or to harm another person.
- B. To restrict a record, the provider must complete a withholding statement prior to a request for the medical record. The completed withholding statement must be submitted to HIM for processing.

C. Denial of Access

- a. If an individual requests medical records that have been restricted and access is denied by HIM, in whole or in part:
  - i. A timely written denial will be provided to the customer that includes the basis for the denial and if applicable, a statement of the customer's review rights, how to exercise those rights, and how to file a complaint.
  - ii. The customer will be given access to any other medical records that are requested, after excluding the records as to which we have a ground to deny access.

V. Summary of Records

- A. When applicable, if the customer agrees in advance, a summary may be furnished instead of the medical record itself.
- B. If the customer requests or agrees to such a summary of the record, HIM will coordinate with the appropriate health care provider to make a summary of the record available to the customer within ten working days from the date of the customer's written request.
  - a. If more time is needed because the record is of extraordinary length or because the customer was discharged from a licensed health facility within the last ten days, the health care provider shall notify the customer of this fact and the date that the summary will be completed.
  - b. In no case shall more than thirty days elapse between the request by the customer and the delivery of the summary.
  - c. A reasonable fee may be charged for this summary if the customer is notified of and agrees to the fee in advance.

VI. Amendment by Customer

- A. A customer may request amendments (changes) be made to information in his or her record. See *Amendment to Medical Record Policy and Procedure*.

VII. Disclosure of Presence

- A. NMH/MGH maintains hospital directories for currently hospitalized customers.
- B. Limited directory information may be disclosed about the presence of a hospitalized customer to those individuals who ask for a customer by name. This may include only a one-word description of the customer's condition: critical, serious, fair or good.
- C. Customers may opt-out of the hospital directory, in accordance with the *Consent for Services and Notice of Privacy Practices*.



**REFERENCES/ATTACHMENTS**

[Health Information Access and Disclosure - Att A - Medical Records Fees](#)

[Health Information Access and Disclosure - Att B - Authorization for Release of Information](#)

Do Not Bill Insurance Release Restriction Policy and Procedure

Amendment to Medical Record Policy and Procedure

**TABLE OF REVISIONS**

<b>Date</b>	<b>Description of Change(s)</b>
August 2016	Added Maple Grove Hospital to scope.
Oct 2017	New branding format. Patient references changed to customer. Removed HIM specific procedures to become departmental Standard Operating Procedures. Updated to reflect current HIPAA best practices. Added references.