

JUVENILE COURT HEALTH SERVICES

«Facility»

Subject: PATIENT'S RIGHT TO ACCESS MEDICAL RECORDS		Original Issue Date: 1/31/03 Supersedes: 12/31/07	Policy # E-107 Effective Date: 1/13/2013
Departments Consulted: DHS Audit and Compliance JCHS HIM Department	Approved By: (Signature on File) Medical Director (Signature on File) Medical Records Director	Approved By: (Signature on file) Health Services Administrator	

PURPOSE

To establish a uniform policy for responding to an individual's right to access protected health information contained within his or her health/medical record/designated record set.

POLICY

Individuals shall be granted the right to access, inspect, and obtain copies of their protected health information (PHI) that is contained in a designated record set except PHI that has been compiled for use in a civil, criminal, or administrative proceeding or disclosure is prohibited by the Clinical Laboratory Improvement Amendments of 1988 (CLIA).

A youth legally authorized by law to consent to treatment and an individual's Personal Representative have the right to request access to his or her PHI.

DEFINITIONS

Protected Health Information (PHI) means individually identifiable information relating to past, present or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual.

PROCEDURE

JCHS shall ensure that all youth have the full right to access their health records. It is the official policy of JCHS to permit access except or instances where legally-based, compelling reasons against permitting access are in evidence, e.g.:

1. Mental Health records
2. Drug abuse or alcohol abuse evaluation or treatment
3. Access will be denied to a parent/legal guardian/youth representative if it is determined that only the minor has the right to inspect the record or obtain copies.

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Health Services Administrator's Initials:
(Initials on File)

4. The responsible psychiatrist may deny access if it is determined that access would have a detrimental effect on the provider's professional relationship with the youth.
5. The record contains information supplied by a third party
6. The record contains information regarding another youth or aggregate information about many patients.

If access is denied for any of the above reasons, a record of denial will be made. The requesting youth representative will be notified that access is being denied and the basis for exception. A summary, in lieu of inspection or copying, may be offered to the requestor.

Processing a Request for Access to Protected Health Information

1. Access for inspection or copying of information requires a written request from the youth, court, parent /legal guardian using the Request for Access to Protected Health Information form (See Attachment). If the individual requests to access, inspect, and /or to obtain copies of his/her PHI contained within the Designated Record Set held at another DHS facility, the facility receiving the request will process the request.
2. The completed Request for Access to Protected Health Information form PHI will be submitted to JCHS Medical Records Department.
3. JCHS Medical Records Department will process and respond to all PHI requests.

AUTHORITY

California Code of Regulations, Title 15, Article 8, Section 1406 and 1407

REFERENCE

DHS Policy #361.15 Access of Individuals to Protected Health Information (PHI) / Designated Record Set

NCCHC Standard Y-H-02