



# Department of Health Information Management POLICY AND PROCEDURE

POLICY NUMBER: 716

VERSION: 1

## **SUBJECT: Authorization For Release of Information**

---

### **PURPOSE:**

To provide guidelines for the appropriate handling for authorization for release of information

### **PROCEDURE:**

The patients' medical record is the property of High Desert Health System. State Law and HIPAA regulations mandate the protection of patient's rights to confidential treatment of records pertaining to his/her care. Disclosure of confidential information shall be made only upon receipt of a properly executed authorization signed by the patient or the patient's legal representative.

The following must be present in valid authorization:

1. It must be written.
2. It must describe what is to be released.
3. It must state that the patient authorizes High Desert Health System or affiliated Health Partners to release the information to the requestor.
4. It must be dated, and have an expiration date.
5. It must be signed by the patient, legal representative, parent if patient is a minor or next of kin if patient is deceased accompanied by a Death Certificate.
6. If signature is an "X", the authorization must also be signed by two (2) witnesses.

The authorization form may be completed in the Health Information Management department and clinic areas during business hours. The patient is asked to show their blue card for MRUN verification and picture ID, if the card is not available, their date of birth and or social security number is used to verify identity. An outside facility form or handwritten authorization may be completed and mailed or faxed provided all the necessary information is included.

When submitted in person the patient is informed of the photocopy fee of .25 cents per page and the processing time of approximately 7-10 working days.

The Release of Information clerk will log request into the computer within 24 hours of receipt. A pull list is to be defined and placed in the designated area for charts to be pulled. Upon receipt of the charts, the authorization will be matched with the charts; the signature on the authorization will be verified with the signature in the chart, if the signature doesn't match or the authorization is not completed correctly, the clerk will correspond via mail requesting the appropriate information. Clerk will update the computer with status in the comment field.

Clerk will assure that requested information is in the chart and will leave charts for copy service to copy.

All minor children must have their parent sign the authorization. If the parent has a different name than the child, the parent must verify some demographic information (i.e., DOB, address, social

security number, etc.) and provide identification.

If the child is in foster care, supporting documentation must be filed in the chart, scanned in, or copied and attached to the authorization before the information can be released.

When the patient is deceased, the next of kin may request copies. If the patient did not expire at High Desert Hospital a copy of the death certificate must be submitted with the authorization.

Next of kin is as follows:

1. Spouse.
2. Parent.
3. Adult child.
4. Sibling.

To ensure continuity of care, when a patient is at another medical facility being treated, information can be released via fax upon receipt of a signed authorization. If the patient is unable to sign due to medical condition the authorization may be signed by a physician but must indicate that the patient is unable to sign. Information can be discussed via telephone by the technical staff or management only. Clerical staff is to obtain the patient and callers information, pull the record, and give the information and chart to a technical staff member to call with the requested information.

When faxing information only the pertinent information is faxed and faxed information is only sent when the patient is actually at another medical facility being treated. Pertinent or minimum necessary information is considered to be;

For Inpatient (prior to July, 2003)

1. Discharge summary
2. History & Physical
3. Operative Report
4. Most recent diagnostic results

For Outpatient

1. Most recent progress note
2. Consultation Reports
3. Lab, X-ray, EKG, other pertinent test results

Written authorization is not required when the request is from the following;

1. High Desert affiliated Health Centers
2. Public/Private partners
3. Fiscal Intermediaries (CBO, HBOC, etc.) for billing purposes
4. Professional Risk Management (Rosin Photocopy service)

Access to and review of patient's chart without the patient's authorization is acceptable for the following:

1. HDHS Staff
2. Students receiving training at High Desert Health System
3. Administration

4. HDHS Committee members
5. State Department of Health Licensing
6. JCAHO/CMA surveyors
7. Medicare/Medi-cal representatives
8. Fiscal Intermediaries
9. USC Cancer Surveillance Program
10. Public Health Agency

## **PATIENT'S RIGHTS**

As of 01/01/1983, California AB610 authorized patient's access to their health records. Patients may request to view their records; they must make an appointment with the technical staff that will be present during the inspection.

Technical staff may assist the patient in locating specific information within the record but under no circumstances are they to interpret medical information. If the patient wishes to contest, change, or add information to the health record, they will be provided appropriate forms to make their request, the patient statement, if approved, will be filed in the record, and scanned under the "OTHER" tab and the provider of record will be made aware of the request.

Federal LAW 42 U.S.C. 1395i-3 specifies that Skilled Nursing residents and or their representative have the legal right, upon the oral or written request to access their records. After viewing, the patient has the right to receive copies upon their written request within two working days.

Special issues regarding release of information may be addressed on an individual basis with professional Risk Management. Another reliable source of information is the CHA Consent Manual.

## **RELEASE OF ALCOHOL AND DRUG ABUSE INFORMATION**

The confidentiality of alcohol and drug abuse records apply to records of patients who have applied for or been given treatment for drug or alcohol abuse. Records prior to 05/14/74 are not subject to the regulations of the Federal registry published 07/01/75

Alcohol/drug abuse medical and social information used at High Desert Health System requires the patient to initial and circle 'I DO or I DO NOT' authorize the release of this information. This section of the authorization is checked prior to copying.

## **CANCER AND BIRTH DEFECTS MONITORING PROGRAMS**

The State Legislation expanded the privacy protections of confidential medical information contained in the State Department of Health Services cancer and birth defects monitoring programs. SB 683 (ORTIZ), CHAPTER 444, STATUTES OF 2001 became effective October 3, 2001.

It specifically designates this information as "confidential information", and recasts and revises the confidentiality requirements relating to the programs.

No part of the confidential information shall be available for subpoena, disclosed, discoverable, or compelled to be produced in any proceeding. Nor shall it be admissible as evidence in any civil, criminal, administrative, other tribunal or court for any reason. Refer to HIM Policy number 205 for additional information.

#### **RELEASE OF HIV RESULTS INFORMATION:**

A special authorization form (see attachment B) is required when the patient is requesting a copy of an HIV test result. The authorization must specify to whom the results may be released, for what purpose, and how long the authorization shall remain in effect.

If the patient is requesting copies from the AV Hope Clinic both the regular authorization for release of information and the HIV test result authorization are required before copies are made. The Patient's physician or a hospital employee caring for the patient may receive this information without authorization. The physician caring for the patient has direct access to the information. High Desert Health System employees should be referred to the Infection Control Nurse.

#### **Health and Safety Code, Section 123110 Assembly Bill No.1311 effective January, 2002**

Provides that any patient or former patient or the patient's representative shall be entitled to a copy, at no charge, of the relevant portion of the patient's records, upon representing to the provider a written request, and proof that the records are needed to support an appeal regarding eligibility for a public benefit program.

These programs shall be the Medi-Cal program, social security disability insurance benefits, and Supplemental Security Income/State Supplementary Program for the Aged, Blind and Disabled (SSI/SSP) benefits. "Relevant portion of the patient's records" means those records regarding services rendered to the patient during the time period beginning with the date of the patient's initial application for public benefits up to and including the date that a final determination is made by the public benefits program with which the patient's application is pending.

Although a patient shall not be limited to a single request, the patient or patient's representative shall be entitled to no more than one copy of any relevant portion of his or her record free of charge. This shall not apply to any patient who is represented by a private attorney who is paying for the costs related to the patient's appeal, pending the outcome of that appeal. "Private attorney" means any attorney not employed by a nonprofit legal services entity. If the patient's appeal regarding eligibility for a public benefit program specified is successful, the facility may bill the patient, at the rates specified by the facility for the copies of the medical records previously provided free of charge.

For additional information see assembly bill #1311

#### **Reference:**

DHS Privacy Policies 361.3, 361.4, 361.8, 361.9, 361.15, 361.17  
Assembly bill #1311  
Health and Safety Code, Section 123110

Approved By: Sharon Nolan (MEDICAL RECORDS DIRECTOR II)	
Date: 03/06/2014	Original Date: 03/01/1994
Reviewed: 03/06/2014	Next Review Date: 03/06/2015
Supersedes:	