
PROCEDURE 2514-A

1. The initial determination about whether or not a consumer's request for access to Protected Health Information (PHI) should be granted or denied within the North Sound Mental Health Administration (NSMHA) can only be made by a mental health professional. The Privacy Officer will be responsible for assigning this task to a NSMHA Mental Health Professional (MHP) who will be responsible for making decisions about consumer access to records. The Privacy Officer will train all mental health professionals on staff on the NSMHA's policy and procedures with regard to consumer access to PHI.
2. The Privacy Notice, which is available to every NSMHA consumer, provides information on consumer rights to obtain access PHI, the procedures they must follow to request access, and the procedures available to them should there be a partial or a complete denial of their request to obtain access PHI.
3. Each request by a consumer or a consumer's personal representative for access to PHI contained in NSMHA's designated record set must be made in writing. Consumers will be asked to direct their requests to the Privacy Officer/designee. The procedures that will be followed by those receiving the requests are outlined below:

NSMHA has only **fifteen working days** to act on the request for access. The person receiving the request may or may not be the person who will be responsible for acting on the request. It is very important that any staff person who receives a request reviews it quickly and route it to the Privacy Officer/designee.

- a. The Privacy Officer/designee will consult or meet with all staff involved with the consumer and, therefore, potential authors of components of the consumer's designated record set. If involved staff members are not MHPs, the Privacy Officer will determine which NSMHA MHP will review the records, coordinate the response and make the determination according to NSMHA policy.
- b. If the request is approved, the person responsible for coordinating NSMHA's response will contact the consumer, determine how they prefer to have access (in person, copies of documents, or a summary) and will either act on it directly or delegate the responsibility to another staff person.
- c. The person responsible for coordinating NSMHA's response is responsible (whether or not any of the activities are delegated to another staff person) for ensuring the consumer has the access he or she requested and is satisfied with NSMHA's actions.
- d. All documentation relating to the request and NSMHA's actions should be maintained in a file and logged in the Request for Access to PHI Log.
 - i. If the staff person responsible for coordinating the effort believes that the request cannot be handled within the 15 working daytime period, he or she is responsible for contacting the consumer in writing to inform them of a one-time, 7 working day delay, the reason for the delay, and when the consumer can expect to see their records. This correspondence should be stapled to the original request and filed as described in (e) below when all activities related to the request have been completed.
 - ii. If any staff person designated as the responsible party for acting on the request needs technical assistance or consultation, they should contact the Privacy Officer.

- e. All requests and any actions taken should be maintained in a file and logged in the Request for Access to PHI Log.
4. If the request by the consumer for access to the PHI in the designated record set is approved, and the information is contained in more than one place, NSMHA is required only to give the consumer access to it in one place, not all locations, except that NSMHA also must provide access to PHI that a Business Associate maintains, unless NSMHA maintains duplicate information. It will be the responsibility of the person responsible for coordinating NSMHA's response to the request who will determine the PHI that the consumer will be given access to. The decision should be guided by the NSMHA's policy to give free and open access to consumers of their health information, including information that is in the form that will be most easily understood by the consumer.
5. If the consumer requests a copy or a summary of their PHI, the person responsible for coordinating the NSMHA's response will:
 - a. Ask the Office Manager for the current charges for copying pages of the medical record or other PHI in the designated record set, and any other permissible changes related thereto; and
 - b. Will contact the Privacy Officer to discuss the charges that should be made for a summary of the PHI requested. In lieu of a discussion, NSMHA may post an hourly charge for this work.
 - i. In all cases, the consumer must be informed ahead of time of the charge for the summary.
 - ii. Charges must be paid prior to the release of the summary to the consumer.
6. If a consumer has his or her request for access denied in whole or in part, the consumer will be told in the denial letter they receive that a request for review of the decision must be made in writing and directed to the Privacy Officer, along with a description of how the consumer may file a complaint with NSMHA or with the Secretary of the United States Department of Health and Human Services (DHHS).

The Privacy Officer will coordinate a review of the Request for the PHI in question, and the decision to deny by a licensed health care professional that was not a part of the original denial decision.

- a. Barring any conflict as determined by NSMHA in its reasonable judgment, the Clinical or Medical Director of the NSMHA should complete this review.
- b. If the decision is upheld, the reviewer will inform the consumer in writing. This letter will also contain information on how the consumer may complain about this decision through our NSMHA complaint process and to the Secretary of DHHS.
- c. If the decision to deny is overturned, the original person responsible for coordinating the NSMHA's effort will be responsible for informing the consumer and coordinating the consumer's access to their PHI.