

<b>Comprehensive Behavioral Health Management/College Health IPA Policy and Procedure Manual</b>	
<b>Policy Name:</b> Patient Rights	<b>HIPAA Privacy Regulations</b>
<b>Date:</b> 11-02	<b>Page:</b> 1 of 3
<b>Reviewed by QI Committee:</b> 11-06, 11-07, 11-08, 11-09	<b>Policy Number:</b> HP-9
<b>Revised by QI Committee:</b> 11-06, 11-07, 11-09	

**Purpose:** To allow for examination, amendment, and accounting of disclosure of personal/protected health information maintained by Comprehensive Behavioral Health Management/College Health IPA (CBHM/CHIPA) after April 14, 2003 when requested in writing by the patient and/or legal guardian.

**Policy:**

1.0 Review and Amendment

- 1.1 At the time that a patient and/or legal guardian requests to examine and/or amend his/her personal health information, s/he will be transferred to the QI Assistant who will advise them to submit their request in writing using the “Personal Health Information Access Form.” This form will be mailed or faxed to requesting party within one business day.
- 1.2 The “Personal Health Information Access Form” includes the following:
  - 1.2.1 A statement about CBHM/CHIPA and its role in maintaining and disclosing protected personal health information.
  - 1.2.2 A listing of the types of documentation kept by CBHM/CHIPA and a checklist to designate which type of documentation patient and/or legal guardian requests to review.
  - 1.2.3 Signature line.
  - 1.2.4 A self-addressed stamped return envelope.
  - 1.2.5 Instructions to return within 30 calendar days.
- 1.3 When CBHM/CHIPA receives the completed “Personal Health Information Access Form”, it will be date stamped and given to the Vice-President of Product Management and Compliance to gather and review the requested information for appropriateness of release. The review is to be completed within 30 calendar days.
- 1.4 If the Vice-President of Product Management and Compliance determines that the release of the personal health information would represent an imminent danger to the patient and/or legal guardian, legal counsel will be obtained to determine if information should be withheld under State Guidelines. If these guidelines are met the Vice-President of Product Management and Compliance will send a letter to patient advising that records cannot be released for review directly to patient, however, CBHM/CHIPA will release to a health care professional for their review with the patient. Letter will be sent by certified, registered mail to the patient and/or legal guardian within 30 calendar days from date of initial request.
- 1.5 If the Vice-President of Product Management and Compliance determines that the release of the personal health information represents no imminent danger to the patient and/or legal guardian, the requested personal health information will be

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- sent by certified, registered mail within 30 calendar days to the patient and/or legal guardian along with a “Amendment to Personal Health Information Form.”
- 1.6 The “Amendment to Personal Health Information Form” includes the following:
    - 1.6.1 Instructions for Completion
    - 1.6.2 Area for written comment
    - 1.6.3 Signature Line
    - 1.6.4 Self-addressed stamped return envelope.
    - 1.6.5 Instructions to return within 30 calendar days.
  - 1.7 When CBHM/CHIPA receives the “Amendment to Personal Health Information Form” it will be date stamped and given to the Vice-President of Product Management and Compliance to review and determine whether to accept or deny.
  - 1.8 If the “Amendment to Personal Health Information Form” is denied, a denial reason will be noted on the form along with any comments. Patient/Legal Guardian will be sent a written letter explaining the denial, which will include the following: The basis for the denial; the right to submit a written statement disagreeing with the denial and how to exercise that right; a statement that the patient/legal guardian can request you to include the request and the denial with any future disclosures of the personal health information; and a description of how a complaint may be filed.
  - 1.9 The “Amendment to Personal Health Information Form” will be included in the patient’s medical record and any future release of personal health information will include the patient and/or legal guardian’s amendment as well as any additional appeals and/or rebuttals.
  - 1.10 All above actions taken will be dated and documented in the patient’s electronic file.

## 2.0 Accounting of Disclosure

- 2.1 At the time that a patient and/or legal guardian requests an accounting of personal health information disclosed to outside entities, s/he will be transferred to the QI Assistant who will advise them to submit their request in writing using the “Request for Accounting of Personal Health Information Disclosures Form.” This form will be mailed or faxed to requesting party within one business day.
- 2.2 The “Request for Accounting of Personal Health Information Disclosures Form” includes the following:
  - 2.2.1 A statement about CBHM/CHIPA and its role in maintaining and disclosing protected personal health information.
  - 2.2.2 A requested time frame for disclosures after April 14, 2003.
  - 2.2.3 Signature line.
  - 2.2.4 A self-addressed stamped return envelope.

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- 2.2.5 Instructions to return within 30 calendar days.
- 2.3 When CBHM/CHIPA receives the completed “Request for Accounting of Personal Health Information Disclosures Form” it will be date stamped and given to the Vice-President of Product Management and Compliance to review the request and prepare the accounting. The accounting will be completed and mailed within 30 calendar days.
- 2.4 The accounting will include:
  - 2.4.1 Copies of all written and signed authorizations granting disclosure of personal health information.
  - 2.4.2 Names and addresses of all outside entities who received personal health information.
  - 2.4.3 A listing of the personal health information disclosed.
  - 2.4.4 A date for each disclosure made.
- 2.5 All above actions taken will be dated and documented in the patient’s electronic file.

**3.0 Grievances**

- 3.1 At the time that a patient and/or legal guardian requests to file a grievance regarding the use and disclosure of personal health information, s/he will be transferred to the QI Assistant who will advise them regarding the grievance procedure. Reference policy RR.3 “Complaint Policy”.
- 3.2 The patient/legal guardian will receive notification of complaint resolution within 30 calendar days. Notification will include appeal options to the appropriate state agency should patient disagree with complaint resolution.
- 3.3 All above actions taken will be dated and documented in the patient’s electronic file.