

## Standard Operating Policies - SOP # 10: HIPAA Right to Request Access to Designated Record Set

Title:	<b>HIPAA Right to Request Access to Designated Record Set</b>	Effective Date:	<b>10/03/2014</b>
Author:	<b>Privacy Officer</b>	Last Review Date:	<b>12/01/2021</b>
Location:	<b>All Locations</b>	Last Revision Date:	<b>12/01/2021</b>
Functional Area:	<b>ADMINISTRATION</b>		

### POLICY

Individuals have the right to request access to and obtain a copy of their PHI maintained by Liberty if such record is a part of a Designated Record Set. The right to access PHI is applicable only to health information that is subject to the requirements of the HIPAA Rules and is contained within Designated Record Sets maintained by Liberty. Individuals shall generally assert their right to access their Designated Record Sets to their Covered Entity healthcare providers or health plans, rather than to Liberty (unless Liberty is the Covered Entity). Should Liberty, as a Covered Entity or as a Business Associate, receive an individual's request to access their Designated Record Set, Liberty shall respond as outlined in this Standard Operating Procedure ("SOP") and in the Business Associate Agreement in place with the applicable client.

A "Designated Record Set" is the group of records, which include (a) medical and billing records about individuals maintained by or for a covered health care provider (b) the enrollment, payment claims adjudication, and case or medical management record systems maintained by or for a health plan; or (c) is used in whole or in part, by or for the Covered Entity to make decisions about covered individuals. Items in the designated record set to be produced do not include, among other things (i) psychotherapy notes; (ii) information compiled for use in criminal, civil or administrative proceeding or action; (iii) employment records; (iv) information which is duplicative in nature – (e.g., if a document appears more than once or is maintained separately by a Business Associate, only one copy needs to be provided) maintained by Liberty, in accordance with this policy and the Business Associate Agreement in place with the Covered Entity. The term "record" means any item, collection, or grouping of information that includes PHI and is maintained, collected, used, or disseminated by or for a Covered Entity (45 C.F.R. 164.501).

### PROCEDURE

- Liberty's Privacy Officer shall serve as the point of contact responsible for receiving and processing all formal requests for access to PHI in a Designated Record Set. Individuals shall be asked to make all requests for access in writing. Liberty shall respond to all requests for access to a Designated Record Set as expeditiously as possible but no later than 30 days.
- Should Liberty receive a right to access or obtain a copy request from a Covered Entity, Liberty shall comply with the request as directed by this SOP and the Business Associate Agreement in place with the Covered Entity.
- Liberty shall forward any individual requests for access to PHI to the Covered Entity or Business Associate client within the time frames required under the Business Associate Agreement.
- Liberty shall provide the Covered Entity or Business Associate client with copies of the Designated Record Set in one of the following forms: (a) a form the individual requests, if the information is readily producible in that form; (b) readable hard copy; (c) another form to which Liberty, and the individual mutually agree; and (d) PHI in e-form.
- Corrections Institution Clients: All requests by inmates shall immediately be brought to the attention of the Contract Manager responsible for the client relationship. The Contract Manager shall immediately contact the

Privacy Officer and General Counsel so that that the requirements of the Privacy Rule and the contract are fully complied with. Correctional institution clients are permitted to deny, in whole or in part, any request for access by an inmate if obtaining such information could jeopardize the health, safety, security, custody or rehabilitation of the individual or of other inmates, the safety of any officer, employee or other person at the correctional institution responsible for the transportation of the individual.

6. **Record Retention:** All requests and associate response regarding requesting access to PHI shall be documented and retained for a minimum of six (6) years, or as required by contract.

**Approved By:** \_\_\_\_\_

### Revision History

Version	Date	Author	Summary of Changes
#1	10/03/2014	Judith Ann Shields	Initial ISF release – refactor and update of previous security policies into distinct documents
#2	12/22/2015	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#3	01/18/2016	Judith Ann Shields	Annual review, Attorney reviewed Record Retention. Added inactivity lock requirement
#4	12/22/2017	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#5	12/22/2018	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#6	12/22/2019	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#7	11/15/2019	Judith Ann Shields	Annual review, Attorney reviewed © LHC. Added inactivity lock requirement
#8	11/02/2020	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#9	12/01/2021	John Beck	Annual review and added timeframe for responding to requests to access. Added inactivity lock requirement