

WESTBROOK HEALTH SERVICES
OPERATING POLICIES
POLICY 1.K.1.d

ACCESS TO INDIVIDUALS PROTECTED HEALTH INFORMATION

POLICY

WHS will provide access to clients' records in accordance with state and federal law and to act on requests within 30 days. This includes the right to have access to "inspect and obtain a copy of protected health information about the individuals in a designated record set, for as long as the protected health information is maintained in the designated record set". Individuals do not have the right to access certain types of information and in those situations, WHS may deny a request to access Protected Health Information (PHI). In certain circumstances, the individual may have the right to have a denial reviewed. WHS will follow the procedures set forth in this policy when reviewing, addressing, or denying a request to access PHI.

PROCEDURES

WHS will comply with access to record requests within 30 days of receipt by either providing the documentation in the form it was requested to be presented in or by providing a written denial per the guidelines below.

WHS has the right to deny access to certain medical records based on the following:

- A licensed health care professional has determined, in the exercise of the professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person.
- The protected health information refers to another person (unless such other person is a healthcare provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person.
- The request for access is made by the individual's personal representative and a licensed healthcare professional has determined, in the exercise of professional judgment, that the provision of the access to such a personal representative is reasonably likely to cause substantial harm to the individual or another person.

The individual has the right to appeal a WHS decision to deny access to records on the grounds listed above. If such a request is made, the requested records will be reviewed by a licensed healthcare professional who is designated by WHS to act as reviewing official and who did not participate in the original decision to deny. WHS will provide or deny access in accordance with the determination of the reviewing official.

- WHS also has the right to deny access to certain medical records based on the following and, denial of access on this basis is not reviewable:
 - a. Psychotherapy Notes: An individual does not have the right to access “psychotherapy notes” which are notes recorded in any medium by a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the individual’s medical record.
 - b. The definition of “psychotherapy notes” does not include medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.