



04-Access to Information

Approved by: William Voss

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Renewed By:

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Access to Information

Policy Statement

Under HIPAA, patients have the right to access and/or request amendment of their medical records for as long as the protected health information (PHI) is maintained in a Designated Record Set (DRS). This policy outlines how River City TMS, PLLC ensures patient rights are honored, while maintaining the privacy and security of patient's information through exchanges.

Procedure

- **Definition of DRS**

The DRS includes patients' clinical records, payment and insurance records, and any other collection of health information maintained and used by River City TMS, PLLC to make decisions about the patients' care.

- **Access to the DRS §164.524**

Upon written request of the patient, using the request for access to PHI form ([Appendix B](#)), River City TMS, PLLC will provide the patient with access to or a copy of the individual's medical record, in whole or in part, in no more than 30 days unless it meets one of the following exceptions as outlined by the Privacy Rule (§164.524(a)):

- Psychotherapy notes may be withheld by psychiatrists;
- Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; and
- Protected health information maintained by a covered entity that is:
 - Subject to the Clinical Laboratory Improvements Amendments of 1988, 42 U.S.C. 263a, to the extent the provision of access to the individual would be prohibited by law; or
 - Exempt from the Clinical Laboratory Improvements Amendments of 1988, pursuant to 42 CFR 493.3(a)(2).

In addition, River City TMS, PLLC will not provide copies of information, where applicable law would prohibit River City TMS, PLLC from disclosing the information to the patient, or under circumstances that would jeopardize the safety of the patient or others. When a request is denied, the reason for doing so will be provided to the requesting party within 30 days of the request. Responses and approved access requests will be handled by River City TMS, PLLC's Provider that is directly involved in that patient's care.

If River City TMS, PLLC grants the request, it will inform the individual of the acceptance of the request and provide the access requested within 30 days.

One 30-day extension is permitted in the event the River City TMS, PLLC is unable to complete the request within the original 30-day period. In this case, notification of the extension will be sent to the patient within the original 30-day window. Notification will include the reason for the delay and the date the River City TMS, PLLC will complete the request.

- **Amendment of the DRS §164.526**

Upon written request of the patient, using the request for amendment of health information form ([Appendix C](#)), River City TMS, PLLC will provide the patient with a response to the request for amendment in no more than 30 days. Responses and approved amendments will be handled by River City TMS, PLLC's Provider that is directly involved in that patient's care.

One 30-day extension is permitted should River City TMS, PLLC be unable to complete the request within the original 30-day period. In this case, notification of the extension will be sent to the patient including a written statement of the reasons for the delay and the date, by which River City TMS, PLLC will complete its action, on the request.

If River City TMS, PLLC grants the requested amendment, River City TMS, PLLC will make the appropriate amendment and will inform the patient that the amendment is accepted. With the patient's agreement, River City TMS, PLLC will notify persons and/or organizations with which the amendment needs to be shared. Business associates that River City TMS, PLLC knows have the PHI that is the subject of the amendment.

If informed by another healthcare provider or another agency of an amendment to a patient's PHI, River City TMS, PLLC will amend the PHI in designated record sets.

River City TMS, PLLC will document the titles of the persons or offices responsible for receiving and processing requests for amendment by patients. All documentation including requests and denials, will be retained for six (6) years from the date of document creation or the date it last was in effect, whichever is last.

- **Information Not Contained in the DRS §164.524**

If the patient requests specific information not contained in River City TMS, PLLC's records, but the information's whereabouts are known, the patient will be informed where to direct their request for access. Responses to requests for such information will be sent in no more than 30 days from the time the request is received.

- **Request for Confidential Communications §164.522(b)(1)**

A patient has the right to request that communications of PHI be delivered by an alternate means or to alternate locations. River City TMS, PLLC will accommodate all reasonable requests.

The patient will be provided with the Request for Confidential Communication form ([Appendix L](#)) and directed to return the completed form to the River City TMS, PLLC's Privacy Officer. The patient will be notified in writing of River City TMS, PLLC's response. The request and response will be maintained in the patient's medical record.