



ADMINISTRATIVE PRACTICES MANUAL

Client Access to Protected Health Information (PHI)

PURPOSE

To set forth the requirements for processing requests by clients/patients for their own Protected Health Information (PHI).

PROCEDURE

Processing Requests for Access of PHI

The client/patient is allowed to access to their own PHI. When practicable the client/patient should complete the **Client/Patient Access Request Form**. If the client/patient sends in a written request, that request can be used in lieu of the form. If the client/patient is unable to complete the form, a workforce member should assist in completing the form.

When processing a request for client/patient access to PHI, the following apply:

1. Dane County will act on an access request within 30 days of receipt. If Dane County is unable to complete the request within 30 days of receipt, Dane County is permitted a one-time extension of 30 days for processing the request. If an extension is needed, Dane County will notify the client/patient in writing to explain the reason for the extension and provide a date when the access request will be completed [**Client/Patient Access 30 Day Extension Letter**].
2. Dane County will provide the client/patient with access to the PHI in the form or format requested. If no particular format is requested, when possible, provide document in a PDF format. If the PHI is not readily producible in the requested form or format, Dane County will provide the client/patient with a readable hard copy or electronic form or format as agreed to by Dane County and the client/patient.
 - a. If the client/patient requests the ability to inspect the PHI, Dane County will arrange a mutually convenient time and place for the inspection. Dane County must document the time and date of each request by a client/patient or person authorized by the client/patient to inspect the client's/patient's health care records, the name of the inspecting person, the time and date of inspection, and identify the records released for inspection.
 - b. Upon approval of the client/patient, Dane County may provide a summary of the requested PHI.
 - c. The client/patient may direct Dane County to send the response directly to a third party designee on their behalf.
 - d. If Dane County does not maintain the PHI requested, but knows where the requested information is maintained, Dane County will inform the client/patient where to direct their access request.

Denial of the Client/Patient Access Request

Dane County may deny access to the client/patient request in limited circumstances. Any denial will be issued within 30 days of the request; be in writing; and include an explanation of the basis for the denial; the client's/patient's appeal rights (if any) and appeal process; and the HIPAA Privacy & Security Officer's contact information.

Reviewable grounds for denial

Dane County may deny a client/patient access to their records, provided that the client/patient is given a right to have such denials reviewed, in the following circumstances:

1. A licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the client/patient or another person;
2. The PHI makes reference to another person (unless such other person is a health care 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; or
3. The request for access is made by the client's/patient's personal representative and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to such client's/patient's personal representative is reasonably likely to cause substantial harm to the individual or another person.

The client/patient has the right to have the denial reviewed by a licensed health care professional who is designated by Dane County to act as a reviewing official and who did not participate in the original decision to deny. The designated reviewing official must determine, within a reasonable period of time, whether or not to deny the access requested. Dane County must promptly provide written notice to the client/patient of the determination of the designated reviewing official and take other action as required to carry out the designated reviewing official's determination.

Unreviewable grounds for denial

Dane County may deny client/patient access to their records without providing the client/patient an opportunity for review in the following circumstances:

1. The request is for psychotherapy notes;
2. The request is for information compiled in reasonable anticipation of, or for use in, a legal proceeding;
3. Dane County, when acting under the direction of a correctional institution, may deny, in whole or in part, a client/patient, who is under custody of the correctional institution, request to obtain a copy of their PHI if obtaining such copy would jeopardize the health, safety, security, custody, or rehabilitation of the client/patient or of other individuals under the custody of a correctional institution, or the safety of any officer, employee, or other person at the correctional institution or responsible for the transport of the client/patient;
4. A client's/patient's access to PHI created or obtained by Dane County in the course of research that includes treatment may be temporarily suspended for as long as the research is in progress, provided that the client/patient has agreed to the denial of access when consenting to

participate in the research that includes treatment, and Dane County has informed the client/patient that the right of access will be reinstated upon completion of the research;

5. A client/patient's access to PHI that is contained in records that are subject to the Privacy Act, 5 U.S.C. 552a, may be denied, if the denial of access under the Privacy Act would meet the requirements of that law; or
6. Client's/patient's access may be denied if the PHI was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.

DOCUMENTATION

Dane County will maintain the documentation associated with this policy for a minimum of seven (7) years.

ROLES & RESPONSIBILITIES

The HIPAA Privacy & Security Officer is responsible for the implementation, maintenance, and adherence to this policy.

RELATED DOCUMENTS

Definitions

Client/Patient Access Request Form

Client/Patient Access 30 Day Extension Letter

DOCUMENT VERSION HISTORY

Original: 07/2023

Revised: 07/2024