



Policy or Procedure Subject: PHI Release Requests		LC.PY.003r00
Department or Section: Sales & Marketing, Laboratory Operation, Client Services, Medical Records, Administration, Billing Revenue Cycle Management, Compliance		Issue Date: 5/13/2021
Prepared By: <i>Wendy Dalton</i> Wendy Dalton, Deputy Compliance Officer	Business Approval: Donald Henderson, VP Operations	Business Approval: Luis Perez, President

**Policy:**

Medical records' requests come from a variety of sources: patients, attorneys, the courts, custodial and noncustodial parents, schools, family members, other medical practices, caregivers, payers, hospitals, etc. Each source presents with its own set of rules that you are REQUIRED to comply with.

Where permitted by applicable state law, it is permissible to release Protected Health Information (PHI) without a valid authorization from the individual where the use or disclosure falls within an exception to the HIPAA Privacy Regulation and there has been compliance with all of the conditions required by the exception for the use or disclosure. (45 C.F.R. §§ 164.502, 164.512). Under the HIPAA regulations, the covered entity will maintain a log of Disclosures under this Policy, including the following information: (1) the name of the entity and/or person to whom the PHI was disclosed; (2) the date of the disclosure; (3) a description of the PHI disclosed; and (4) the purpose of the disclosure. The covered entity will retain this documentation for six years from the date of its creation or the date when it was last in effect, whichever is later.

**Principle:** This policy outlines the process to release PHI when requested by an attorney. This policy will also define how the release of such information will be tracked and the retaining of such information as required by the HIPAA Privacy Rule and all applicable state laws.

**Definitions:**

- 1) **PHI** – Protected Health Information. Protected health information (PHI) under the US law is any information about health status, provision of health care, or payment for health care that is created or collected by a Covered Entity (or a Business Associate of a Covered Entity) and can be linked to a specific individual. This is interpreted rather broadly and includes any part of a patient's medical record or payment history.

**Policy:**

- 1) The request for a release of PHI from an outside attorney comes into to Customer Service.
- 2) Customer Service routes the request to the laboratory medical records clerk.
- 3) The laboratory medical records clerk sends the request to a retained, approved, Helix attorney.
- 4) Counsel then decides what information can be sent to the requestor.
- 5) The approved information is compiled for send out.
- 6) The documentation of the request and the PHI that was sent are logged in the medical records department for at least 6 years.

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	Date
Lab Ops Dir: <u>Amber Macumber</u> Signed: <u>Amber Macumber</u>	6-15-21
VP Lab Ops : <u>Don Henderson</u> Signed: <u>Don Henderson</u>	6/15/21

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