

Policy: The Division will take necessary steps to address individual requests to access, inspect, request amendments/corrections and/or obtain a copy of their protected health information (PHI) that is maintained in a designated record set, in a timely and professional manner.

Overview:

- I. Individual's Right to Access, Inspect, and Obtain a Copy of PHI:
 - A. Individuals may request to access, inspect, and/or obtain a copy of their PHI that is maintained in a designated record set. In instances where the same PHI is in more than one record set, or at more than one location, the Division will only produce the PHI from one record set in response to a request for access.
 - B. If the Division does not maintain the information requested by the individual but knows where the requested information is located, the Division will inform the individual where their request should be directed.
 - C. Individuals do not have the right to access or request review of denial of access in the following circumstances:
 1. The PHI is:
 - a) Psychotherapy notes;
 - b) Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; or
 - c) 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 C.F.R. §493.3(a)(2).
 2. The Division is acting under the direction of a correctional institution upon an inmate's request for a copy of the PHI and if obtaining a copy would jeopardize the health, safety, security, custody, or rehabilitation of the individual or of other inmates, or of any officer, employee, or other person at the correctional institution or responsible for the transporting of the inmate.
 3. Access to PHI that was created or obtained by the Division in the course of research that includes treatment may be temporarily suspended for as long as the research is in progress, provided that the individual has agreed to the denial of access when consenting to participate in the research, and has been informed that the right of access will be reinstated upon completion of the research.
 4. The individual'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

5. The individual'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.
- D. The Division may also deny an individual access to their PHI if, in the determination of a licensed health care professional; the access requested is reasonably likely to endanger the life or physical safety of the individual or another person.

II. Individual's Right to Review Denial of Access to PHI:

In certain instances, as stated above, individuals do not have the right to request a review of a denial to access their PHI. However, the Division will review a denial for access to PHI when requested by an individual in the following situations:

- A. 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 individual or another person;
- B. 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
- C. The request for access is made by the individual's personal representative and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

III. Individual's Right to Request Amendments to PHI:

- A. The Division will allow an individual to request an amendment or correction to his or her PHI or a record in a designated record set for as long as the information is maintained in a designated record set, if the Division is provided sufficient documentation to support the amendment or the correction.

- B. The Division will allow an individual's request to amend or correct PHI that was not created by the Division if provided a reasonable basis to believe that the originator of the information is no longer available to act on the request and the amendment or correction is valid.
- C. The Division may deny an individual's request for amendment if it determines the requested PHI or record:
 - 1. Is not part of a Division designated record set;
 - 2. Would not be available for inspection under the requirements for individual rights to access PHI; or
 - 3. Is accurate and complete.

IV. Individual's Right to Receive an Accounting of Disclosures of PHI:

- A. The Division will allow individuals to receive an accounting of all instances where PHI about them is used or disclosed within the six years prior to the date of the request, except for the following purposes:
 - 1. To carry out treatment, payment and health care operations;
 - 2. Under the authority of a written authorization given by the subject of the PHI;
 - 3. When the individual or their Personal Representative requested the individual's PHI;
 - 4. For the facility's directory;
 - 5. To persons involved in the individual's care or other notification purposes;
 - 6. For national security or intelligence purposes;
 - 7. To correctional institutions or law enforcement custodial situations, and
 - 8. When the disclosure was part of a limited data set of de-identified data.
- B. The Division is not required to include in an accounting of disclosures those made incidental to another use or disclosure that is permissible. However, to minimize incidental disclosures, the Division will:
 - 1. Take precautions to reasonably safeguard PHI; and
 - 2. Disclose only the minimum amount of PHI necessary to accomplish the intended purpose of the disclosure.
- C. The Division is not required to provide individuals with an accounting of disclosures for periods prior to April 13, 2003.
- D. The Division will document and maintain an accounting of when individual's PHI has been disclosed for purposes other than treatment, payment, or health care operations. The PHI disclosure record must be retained with the designated record set. Printed extracts of electronic records disclosed for other than treatment, payment, or health care operations will also be annotated in the paper designated record set.

V. Suspending an Individual's Right to Receive an Accounting of Disclosures of PHI:

- A. The Division will temporarily suspend an individual's right to receive an accounting of disclosures to a health oversight agency or law enforcement official for the time specified by such agency official.
- B. The Division will obtain from such agency or official a written statement that such an accounting to the individual would be reasonably likely to impede the agency's activities and specifying the time for which such a suspension is required.
- C. If the health oversight agency or law enforcement official statement to suspend an individual's right to receive an accounting of disclosures to that agency or official is made orally, the Division will:
 - 1. Document the date and time of the request;
 - 2. Document the statement;
 - 3. Document the identity of the agency or official making the statement;
 - 4. Limit the temporary suspension to not longer than 30 days from the date of the oral statement; and
 - 5. The Division will extend the temporary suspension only pursuant to a written statement submitted from the agency or official during that time.

VI. Individual's Right to Request Restrictions on Uses and Disclosures of PHI:

- A. The Division will allow an individual to request that uses and disclosures of his or her PHI be restricted.
- B. Upon agreeing to such a restriction, the Division will not violate such restriction, unless as specified within this policy and procedure.
- C. The Division is not required to honor an individual's request in the following situation(s):
 - 1. When the individual who requested the restriction is in need of emergency treatment and the restricted PHI is needed to provide the emergency treatment; or
 - 2. If restricted PHI is disclosed to a health care provider for emergency treatment, the Division will request that such health care provider not further use or disclose the information.
- D. If the Division agrees to an individual's requested restriction, the restriction does not apply to the following uses and disclosures:
 - 1. To an individual accessing his/her own protected health;
 - 2. To an individual requesting an accounting of his/her own protected health;
 - 3. Facility directories; or
 - 4. Instances for which an authorization, or opportunity to agree or object is not required.

- E. The Division may terminate its agreement to a restriction in the following situations:
 - 1. The individual agrees to or requests the termination in writing;
 - 2. The individual orally agrees to the termination and the oral agreement is documented; or
 - 3. The Division informs the individual that it is terminating its agreement to a restriction. Such termination is only effective with respect to PHI created or received after the individual has been notified.

Purpose: The Division recognizes that individual rights are a critical aspect of maintaining quality care and service for our consumers and is committed to allowing individuals to exercise their rights. This policy document specifically addresses an individual's right to: (1) access their PHI, (2) request corrections/amendments to their PHI, (3) request an accounting of disclosures of their PHI, and (4) request access to their PHI be restricted or prior authorized access suspended. This policy document also addresses when the Division may deny an individual's request to exercise these rights. (Refer to Policies 2.001, 2.002, 2.003, 2.004, 2.007, 2.011)

Procedures:

- I. Process Individual Request to Access, Inspect, and/or Obtain a Copy of PHI:
 - A. The individual will be informed that request for access must be in writing.
 - B. The Division requires individuals to direct requests for access, inspection, or a copy of PHI to the HIPAA Compliance Officer. The HIPAA Compliance Officer in consultation with a licensed health care professional or designee(s) has the authority to review and approve/deny such requests.
 - C. A written request from an individual regarding access to his/her PHI will, within a reasonable time period, be provided to medical records personnel with appropriate access clearance to PHI.
 - D. Medical records personnel will inform the individual where to direct their request for access if his/her office does not maintain the requested PHI and knows where the requested information is maintained.
 - E. Upon receipt of a request made, the Division HIPAA Compliance Officer will act on the request by:
 - 1. Informing the individual and medical records personnel of the acceptance and providing the access requested; or
 - 2. Providing the individual with a written denial.

- F. Action on an individual's request must be taken:
 - 1. No later than 30 days after the request is made; or
 - 2. If the request is for PHI that is not maintained or accessible on-site to the Division, no later than 60 days after the request.
- G. If the Division cannot take action on a request for access to PHI within the relevant time periods, the Division may only extend the time period required for response by 30 days and must provide the individual with a written statement of the reasons for the delay and the date when the request will be completed.
- H. Medical records personnel with appropriate clearance will access the individual's PHI using approved and authorized procedures.
- I. The individual will be allowed access, inspection, and/or copies of the requested PHI in a secure and confidential manner, such that the information cannot be accessed by employees or other persons who do not have appropriate access clearance to that information.
- J. The Division will provide the individual with access to the PHI in the form or format requested by the individual, if it is readily producible in such form or format.
- K. If the requested format is not readily producible, the Division will provide the individual with access to the PHI in a readable hard copy form or such other form as agreed to by the individual and the Division.
- L. If requested by the individual, the Division will arrange with the individual for a convenient time and place to inspect or obtain a copy of the PHI, or mailing of PHI, within the specified timeframe.
- M. A summary of the requested PHI will be provided in lieu of access to the information only when the individual agrees in advance to a summary, and to any related fees imposed.
- N. An explanation of the requested PHI to which access has been provided will accompany the access only when the individual agrees in advance to a summary, and to any related fees imposed.
- O. If a summary or explanation of the requested information is to be prepared, such summary or explanation will be completed only by medical records personnel or other applicable personnel with appropriate access clearance.
- P. Medical records personnel will document the request and delivery of the PHI.

- Q. Any fees imposed on the individual for a copy of the PHI or a summary or explanation of such information will:
 - 1. Be collected by the billing office at the time of receipt of the request and the proper completion of the request form.
 - 2. Be reasonable and cost-based;
 - 3. Will be only for the cost of the following:
 - a) Copying, including the cost of supplies for and labor of copying the PHI requested by the individual;
 - b) Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and
 - c) Preparing an explanation or summary of the PHI.
 - R. The Division will document and retain the request to access, inspect, and/or obtain a copy of PHI for a period of at least six years from the date of its creation.
- II. Advising an Individual that Their Request to Access, Inspect, and/or Obtain a Copy of PHI has been Denied:
- A. In denying access in whole or in part, to the extent possible, the Division HIPAA Compliance Officer may authorize medical records personnel to give the individual access to any other PHI requested, after excluding the PHI that was denied.
 - B. When denying an individual access to PHI, the denial will:
 - 1. Be written in easy to understand language;
 - 2. Contain the basis for the denial;
 - 3. Contain the following statement: **THE INDIVIDUAL HAS THE RIGHT TO HAVE THE DENIAL REVIEWED BY A LICENSED HEALTH CARE PROFESSIONAL, DESIGNATED BY THE DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES TO ACT AS A REVIEWING OFFICIAL AND WHO DID NOT PARTICIPATE IN THE ORIGINAL DENIAL DECISION;**
 - 4. Indicate that the individual may exercise their review rights by submitting their written request for review of a denial to access personal PHI to the Division Administrator or his designee; and
 - 5. Contain a description of how to:
 - a.) Request a hearing by the Division pursuant to its hearing procedures;
or
 - b.) File a complaint to the federal Department of Health and Human Services Secretary.
 - C. Include in the description of how the individual may request a hearing: the name, title, and telephone number of the contact person or office designated to receive such hearing requests.

- D. The Division will document and retain the denial of a request to access, inspect, and/or copy PHI for a period of at least six years from the date of its creation.

III. Processing a Request to Review a Denial of Access to PHI:

- A. The individual will be informed that their request for review of the denial to access inspect, and/or obtain PHI is required to be in writing.
- B. Reviews of denial to access, inspect, and/or obtain PHI will follow Policy Section I regarding the individual's rights.
- C. All denial reviews will be conducted by a licensed health care professional who is designated by the Division to act as a reviewing official and who did not participate in the original denial decision.
- D. The designated reviewing official may be determined on a case-by-case basis by the Division HIPAA Compliance Officer if there is not a designated Hearing Officer.
- E. The Division HIPAA Compliance Officer will promptly refer a request for review to the designated reviewing official.
- F. The designated reviewing official will determine, within 30 days, whether or not to deny the access requested based on the applicable standards.
- G. The Division HIPAA Compliance Officer will promptly provide written notice to the individual of the determination of the designated reviewing official and take other action as required to carry out the designated reviewing official's determination.
- H. The Division will document and retain the request to review a denial to access, inspect, and/or copy PHI for a period of at least six years from the date of its creation.

IV. Processing an Individual's Request to Amend or Correct PHI:

- A. All individual requests for amendments to protected or other health information will be in writing and directed to medical records personnel.
- B. Medical records personnel will be responsible for receiving, processing, and responding to requests for amendments to PHI.
- C. Individuals must document the reason(s) to support the requested amendment.

- D. The request will be referred to a designated health care professional for review, who will be selected by medical records personnel on a case-by-case basis.
- E. An individual's request for amendment may be denied if the PHI record meets the criteria specified in Policy Section I.
- F. If the requested amendment is denied, see Section V below titled "Advising an Individual that a Request for Amendment to PHI has been Denied".
- G. Medical records personnel will inform the individual no later than 60 days after receipt of such a request if the amendment is accepted.
- H. The time period for the action by the Division will be extended by no more than 30 days.
- I. If the time period for the action is extended, medical records personnel will, within 30 days after receipt of the request, provide the individual with a written statement of the reasons for the delay and the date by which the Division will complete the action on the request.
- J. The time period for action will not be extended more than once.
- K. If the requested amendment is accepted, medical records personnel will:
 - 1. Make the appropriate amendment; or
 - 2. Arrange to have the necessary health care professional make the amendment.
- L. Upon accepting and completing a requested amendment, medical records personnel will perform the following tasks:
 - 1. Inform the individual, in a timely manner, and obtain the individual's identification of, and agreement to have the Division notify, the relevant persons with which the amendment needs to be shared;
 - 2. Make reasonable efforts to inform and provide the amendment within a reasonable time to persons identified by the individual as needing the amendment; and
 - 3. Make reasonable efforts to inform and provide the amendment within a reasonable time to persons, including business associates, who are known to have the affected PHI and may have relied, or could foreseeably rely, on such information to the detriment of the individual.
- M. In completing the amendment, medical records personnel will identify the affected information in the designated record set and append or otherwise provide a link to the location of the amendment.

- N. In the event that another covered entity notifies the Division of an amendment to an individual's PHI, medical records personnel will amend the respective information by identifying the affected information in the designated record set and appending or otherwise providing a link to the location of the amendment.
 - O. The Division will document and retain requests to amend an individual's PHI for a period of at least six years from the date of its creation or the date when it last was in effect, whichever is later.
- V. Advising an Individual that a Request for Amendment to PHI has been Denied:
- A. Upon denying an amendment, in whole or in part, the Division will provide the individual with a written denial within 60 days of the denial decision.
 - B. The denial will be written using easy to understand language and will contain the following:
 - 1. The basis for the denial;
 - 2. The individual's right to submit, within 90 days, a written statement disagreeing with the denial;
 - 3. A description of how the individual may file such a statement;
 - 4. A description of how the individual may file a request for a hearing to the Division pursuant to its hearing procedures including the name, title, and telephone number of the contact person or office designated to receive the request for hearing;
 - 5. A description of how the individual may file a complaint with the federal Department of Health and Human Services Secretary; and
 - 6. The following statement - IF THE INDIVIDUAL DOES NOT SUBMIT A STATEMENT OF DISAGREEMENT, THEN THE INDIVIDUAL MAY REQUEST THE DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES TO PROVIDE THE INDIVIDUAL'S REQUEST FOR AMENDMENT AND THE DENIAL WITH ANY FUTURE DISCLOSURES OF THE PHI THAT IS THE SUBJECT OF THE AMENDMENT.
 - C. If the individual provides a statement of disagreement, the Division may prepare a written rebuttal to the individual's statement of disagreement.
 - D. The Division will provide the individual with a copy of the rebuttal.
 - E. The Division will append or otherwise link the following to the designated record set or PHI that is the subject of the disputed amendment:
 - 1. The individual's request for an amendment;
 - 2. The denial of the request;
 - 3. The individual's statement of disagreement, if any; and
 - 4. The Division's rebuttal, if any.

- F. Any subsequent disclosures of the PHI to which an individual's written disagreement relates will include the following:
 - 1. The material appended as described above; or
 - 2. An accurate summary of any such information.
 - G. Subsequent disclosures may be transmitted separately from a standard transaction if the standard transaction does not allow the information listed in Section F above to be transmitted.
 - H. If the individual has not submitted a written statement of disagreement, the Division will include the individual's request for amendment and the Division's denial, or an accurate summary of such information, with any subsequent disclosure of the PHI, only if the individual has requested such action.
 - I. The Division will document and retain the denial to amend an individual's PHI for a period of at least six years from the date of its creation.
- VI. Processing Individual's Request for an Accounting of Disclosures of PHI:
- A. All individual requests for an accounting of disclosures of PHI will be in writing and directed to medical records personnel.
 - B. The Division will allow an individual to receive an accounting of disclosures of PHI made by the Division in the six years prior to the date from which the accounting is requested. (See Policy Section IV "Individual's Right to Receive an Accounting of Disclosures of PHI".)
 - C. The accounting will be in writing and will include disclosures made to or by business associates of the Division.
 - D. Each accounting of a disclosure will include the following:
 - 1. The date of disclosure;
 - 2. The name of the entity or person who received the PHI and, if known, the address of such entity or person;
 - 3. A brief description of the PHI disclosed;
 - 4. A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure; or in lieu of such statement:
 - a) A copy of a written request (if any) for uses and disclosures that do not require individual authorization, or
 - b) A copy of a written request for a disclosure required by the federal DHHS Secretary to investigate or determine the covered entity's compliance with applicable laws and regulations.

- E. If for the timeframe requested there have been multiple disclosures to the same entity for the same purpose, in addition to the requirements listed above for the first disclosure, also provide:
 - 1. The frequency, periodicity, and number of disclosures made during the timeframe, and
 - 2. The date of the last such disclosure during the timeframe.

- F. If for the timeframe requested there have been disclosures for authorized research purposes, the following will be provided:
 - 1. The name of the protocol or other research activity;
 - 2. A description, in easy to understand language, of the purpose of the research and the criteria for selecting particular records;
 - 3. A brief description of the type of PHI disclosed;
 - 4. The beginning and ending dates of the disclosure;
 - 5. The name, address, and telephone number of the entity that sponsored the research and to whom the disclosures were made; and
 - 6. A statement as to whether the disclosed PHI may or may not have been disclosed beyond this particular research activity.

- G. The Division will act on the individual's request for an accounting not later than 60 days after receipt of the request by:
 - 1. Providing the individual with the accounting requested, or
 - 2. Extending the time frame to provide the accounting by no more than 30 days.

- H. In the event that the Division extends the time frame to provide the accounting, within 60 days after receipt of the request, it will provide the individual with a written statement of the reasons for the delay and the date by which the covered entity will provide the accounting.

- I. The Division will not extend the time frame to provide the accounting more than once.

- J. The first accounting to an individual in any 12-month period will be without charge.

- K. Any fee imposed by the Division for each subsequent request for an accounting by the same individual within a 12-month period will be cost-based.

- L. Upon imposing a fee, the Division will inform the individual in advance of the fee and provide the individual with an opportunity to withdraw or modify the request for a subsequent accounting in order to avoid or reduce the fee.

- M. The Division will document and retain the following for a period of at least 6 years, or from the date of its creation or the date when it last was in effect, whichever is later:

1. The information required to be included in an accounting;
 2. The written accounting that is provided to the individual; and
 3. The title of the persons responsible for receiving and processing requests for an accounting by individual.
- N. The Division HIPAA Compliance Officer is responsible for responding to a request from an individual for an audit trail of instances when their PHI has been disclosed for purposes other than treatment, payment, or health care operations.
- O. The Division will document and retain a request for accounting of uses and disclosures of individual PHI for a period of at least six years from the date of its creation.
- VII. Processing an Individual's Request to Restrict Use and Disclosure of PHI:
- A. All individual's requests for restrictions on use and disclosure of PHI will be in writing, and directed to the Division's HIPAA Compliance Officer.
 - B. Upon agreeing to such a restriction, the Division will not violate such restriction, unless as specified within this policy and procedure.
 - C. If the Division agrees to an individual's requested restriction, the individual will be advised that the restriction on uses and disclosure be in effect with the following exceptions:
 1. To an individual accessing his/her own PHI;
 2. To an individual requesting an accounting of his/her own PHI;
 3. Facility directories; and
 4. Instances for which an authorization or opportunity to agree or object is not required:
 - a.) judicial or administrative purposes;
 - b.) health oversight purposes;
 - c.) research;
 - d.) law enforcement;
 - e.) public health;
 - f.) to avert a serious threat to health and safety;
 - g.) organ, eye, or tissue donation;
 - h.) about decedents;
 - i.) workers compensation;
 - j.) victims of abuse, neglect, or domestic violence;
 - k.) government functions; and
 - l.) as required by law.
 - D. The Division may terminate its agreement to a restriction in the following situations:

1. The individual agrees to or requests the termination in writing;
 2. The individual orally agrees to the termination and the oral agreement is documented; or
 3. The Division informs the individual that it is terminating its agreement to a restriction. Such termination is only effective with respect to PHI created or received after the individual has been notified.
- E. The Division will document and retain the restriction for a period of at least six years from the date of its creation or the date when it last was in effect, whichever is later.
- VIII. Each Division agency shall develop specific written procedures to implement the provisions of this policy or shall incorporate this policy into their agency policies.

A handwritten signature in black ink that reads "Carol Brando". The signature is written in a cursive, somewhat stylized font. The name "Carol" is written in a larger, more prominent script, and "Brando" follows in a similar but slightly smaller script. The signature ends with a large, sweeping flourish that loops back under the word "Brando".

Administrator

Effective Date: 4/15/03

Date Revised: 4/15/03; 6/26/07

Date Approved by MHDS Commission:

EXAMPLE

RECORD CORRECTION/AMENDMENT FORM

Record Tracking Number: _____

Individual's Name: _____ Individual's Birth Date: _____

Individual's Address: _____

Individual's Case Number: _____ Date of Entry to be amended _____

Describe the PHI in your Division of Mental Health and Developmental Services (MHDS) record that is incorrect or incomplete. Include the correct information to make your MHDS record more accurate or complete:

Do you need this correction/amendment sent to anyone to whom we may have disclosed the information in the past? If so, please indicate the name(s) and address(es) of the individual(s) or organization(s).

Name _____ and _____ Address: _____

Signature of Individual or Personal Representative _____ Date _____

Printed Name of Individual
or Personal Representative _____

Relationship to Individual or
Authority to Act on Their Behalf _____

[MHDS Personnel: Upon request from an Individual for Record Correction/Amendment Form;
(1) Write identical record tracking number on upper and lower half of this document;
(2) Separate and give page 1 ONLY to requestor; and
(3) Upon receipt of completed Form from requestor, give upper and lower halves to [Medical Records Personnel] or other designated reviewer.]

FOR MHDS' USE ONLY:

Record Tracking Number: _____

Individual's Name: _____

Individual's Case Number: _____

Date Amendment Request Received: _____ Amendment Status: Accepted Denied

If Amendment Request is denied, check reason for denial:

- The PHI was not created by MHDS.
- The PHI is not available to the individual for inspection as required by law (e.g., psychotherapy notes).
- The PHI is not part of the individual's MHDS record.
- The PHI is accurate and complete

Name of MHDS Staff Member: _____ Title: _____

Comments of [HEALTHCARE PROVIDER/HIPAA COMPLIANCE OFFICER]:

Signature of _____ Date _____

[HEALTHCARE PROVIDER/HIPAA COMPLIANCE OFFICER]

EXAMPLE
**INDIVIDUAL REQUEST TO ACCESS/OBTAIN
COPY OF PROTECTED HEALTH INFORMATION (PHI)**

Individual's Name: _____

Record Tracking Number: _____

As provided by the Health Insurance Portability and Accountability Act (HIPAA), you have a right of access to inspect and obtain a copy of your PHI contained in a designated record set held by the Division of Mental Health and Developmental Services (MHDS). **(NOTE: MHDS does not keep your complete Medical Records. Copies of your complete Medical Records should be requested from your health care provider.)**

This right does not apply to:

- 1) Psychotherapy notes;
- 2) Information compiled in reasonable anticipation of, or for use in a civil, criminal, or administrative action or proceeding; and
- 3) PHI that is:
 - A. Subject to the Clinical Laboratory Improvements Amendments of 1988, 42 U.S.C. 263a, to the extent the provision of access to you would be prohibited by law; or
 - B. Exempt from the Clinical Laboratory Improvements Amendments of 1988, pursuant to 42 CFR 493.3(a)(2).

Please indicate specifically the information to which you are requesting access:

MHDS will respond to your request within 30 days from the date of your request or within 60 days if the requested information is not maintained or accessible to MHDS on-site. Our response will either: (1) inform you of the acceptance of your request and provide you access and/or advise you when copies of the information you requested will be available; or (2) provide you a written denial explaining the reasons for the denial and whether you are entitled to have the denial reviewed.

If the requested information is contained in more than one designated record set or at more than one location, and access is granted, MHDS needs only to provide you with access to information contained in one of the designated record sets.

Please indicate the form or format in which you would like to receive your requested information:

Please indicate the means by which you wish to inspect or obtain a copy of the requested information (fax, mail, on-site, etc.), and provide the necessary numbers or address:

If MHDS cannot provide the information in the form or format you have requested, it will be made available to you in a readable hard copy form or other form or format agreed to.

Do you agree to receive a summary of the requested information in lieu of access?

Yes No

MHDS may impose a fee to cover the cost of labor, copying, postage, and preparing a summary of the requested information. Do you agree to such fees imposed by MHDS for providing a copy or summary of the requested information?

Yes No

Signature of Individual or Personal Representative

Today's Date

Printed Name of Individual or Personal Representative

Relationship to Individual
of Authority to Act on
Their Behalf

FOR MHDS USE: Date this request was received by the MHDS agency: _____