

Divisions: All Divisions	Policy Number 179.10.01
Subject: Access to Copy and Inspect	
Approved: Executive Director	
Approved: Associate Director	
Approved: CADE BOD	
Effective Date: April 14, 2003	
Review Dates:	
Revised Dates:	

Purpose: The Center for Advanced Dental Education will maintain and update, as appropriate, written policies and procedures to provide guidance on employee and organizational responsibilities regarding the rights of individuals to access, inspect, and obtain a copy of their protected health information.

Policy:

1. The Center for Advanced Dental Education will take necessary steps to address individual requests to access, inspect, and/or obtain a copy of their protected health information that is maintained in a designated record set in a timely and professional manner.
2. Individuals may request to access, inspect, and/or obtain a copy of their protected health information that is maintained in a designated record set. In instances where the protected health information is in more than one record set, or at more than one location, the Center will only produce the protected health information once in response to the request for access.
3. Individuals do not have the right to access the following types of information:
 - a) Psychotherapy notes;
 - b) Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding;
 - c) Protected health information that is:
 - i. Subject to the Clinical Laboratory Improvements Amendments of 1988, pursuant to HIPAA regulation 493.3(a), to the extent the provision of access to the individual would be prohibited by law;
 - ii. Exempt from the Clinical Laboratory Improvements Amendments of 1988, pursuant to HIPAA regulation 493.3(a)(2)
4. The following persons are responsible for receiving and processing request for access to protected health information by individuals: (to be defined by title and office)

Procedures

1. Individuals will be required to direct requests for access, inspection, or a copy of protected health information to the (to be designated positions), and complete an access request form.
2. The individual will be informed that a request for access is required to be in writing.
3. An appropriate request from an individual regarding protected health information using the required Access Request form, will, within reasonable time period, be reported, along with the form, to Dental Records personnel with appropriate access clearance to protected health information.
4. Dental Records personnel will inform the individual where to direct the request for access if it does not maintain the requested protected health information and knows where the requested information is maintained.
5. Upon receipt of a request, Dental Records will act on the request by
 - a. Informing the individual of the acceptance and providing the access requested or
 - b. Providing the individual with a written denial in accordance with policy.

6. Action taken pursuant to procedure 4 must be taken:
 - a. No later than 30 days after the request is made; or,
 - b. If the request is for protected health information that is not maintained or accessible on-site, no later than 60 days after the request.
7. If the Center cannot take action on a request for access to protected health information within the relevant time periods, the Center may extend the time required by 30 days.
8. Dental Records will access the individual's protected health information using proper access and authorization procedures.
9. The individual will be allowed access, inspection, and/or copies of the requested protected health information 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.
10. The Center for Advanced Dental Education will provide the individual with access to the protected health information in the form or format requested by the individual, if it is readily producible in such form or format.
11. If the requested format is not readily producible, then the Center will provide the individual with access to the protected health information in a readable hard copy form or such other form as agreed to by the individual.
12. If requested by the individual, the Center will arrange with the individual for a convenient time and place to inspect or obtain a copy of the protected health information, or mailing of protected health information, within a specified time period.
13. A summary of the requested protected health information 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.
14. An explanation of the requested protected health information 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.
15. If a summary or explanation of the requested information is to be prepared, such summary or explanation will be completed only by Dental Records, or other applicable personnel with appropriate access clearance.
16. Dental Records personnel will appropriately document the request and delivery of the protected health information.
17. Any fees imposed on the individual for a copy of the protected health information or a summary or explanation of such information will:
 - a. Be collected by (to be identified) at the time of receipt of the request and the proper completion of the request form.
 - b. Be reasonable and cost based;
 - c. Will be only for the cost of the following:
 - i. Copying, including the cost of supplies for and labor of copying, the protected health information requested by the individual;
 - ii. Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and
 - iii. Preparing an explanation or summary of the protected health information.
18. The Center for Advanced Dental Education will document and retain designated record sets that are subject to access by individual for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later.
19. This policy and procedure will be documented and retained for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is late.
20. Knowledge of a violation or potential violation of the is policy must be reported directly to the Privacy Officer, Compliance Officer, or to the employee compliance hotline.