

ACCESS

POLICY—Right to Inspect and Copy. We will allow an individual to inspect and to obtain a copy of his or her protected health information for as long as we or our business associates maintain that protected health information in designated record sets. We may withhold from an individual only that protected health information specified below.

PROCEDURE—Access Request. We are obligated to respond in writing to the individual's written request for access within 15 days of its receipt. (The initial response may be written notice that an extension of 21 business days after the initial request is necessary due to unusual circumstances.) We will:

- (a) Make the information available for examination during regular business hours and provide a copy, if requested, to the patient;
- (b) Inform the patient if the information does not exist or cannot be found;
- (c) If the health care provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the health care provider who maintains the record;
- (d) If the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than twenty-one working days after receiving the request, when the information will be available for examination or copying or when the request will be otherwise disposed of; or
- (e) Deny the request, in whole or in part, under RCW 70.02.090 and inform the patient of the results of the review of denial of access.
- (f) Upon request, we shall provide an explanation of any code or abbreviation used in the health care information.

PROCEDURE—Access Fees. We may charge a reasonable fee for providing access to the health care information, including copying and mailing of the requested protected health information, except that the patient will not be charged for handling fees, chart pulling fees, or per page fees in excess of the direct cost of materials. Our Privacy Officer will determine any charges and inform the individual in advance so that the individual may elect to withdraw or modify the request to reduce or avoid the fee.

POLICY—Protected Health Information We May Withhold.

- i) **Denial of Access without Right of Review.** We may deny access to, and a copy of, the following information, without providing an individual the opportunity for review of the denial:
 - Information compiled in reasonable anticipation of or for use in civil, criminal or administrative action or proceeding.

- Protected health information obtained in confidence from a source, other than a health care provider, if access is reasonably likely to reveal the source.
- Protected health information that may be withheld from the individual under the Clinical Laboratory Improvements Amendments of 1988 (42 U.S.C. § 263a).
- Protected health information contained in records that may be withheld from the individual under the Federal Privacy Act (5 U.S.C. § 552a).

ii) **Denial of Access to Dangerous Information.** We may deny access, subject to providing the individual an opportunity for independent review, to protected health information that a licensed health care professional, in exercise of professional judgment, determines is reasonably likely to:

- Endanger the life or physical safety of the individual or another person; or
- Cause substantial harm to a person, not a health care provider, who is referenced in the protected health information; or
- Cause substantial harm to an individual or another person, if a personal representative's access request were granted.

Under RCW 70.02.090 (1) (b-d), the hospital may also deny access to information if:

- Knowledge of the health care information could reasonably be expected to lead to the patient's identification of an individual who provided the information in confidence and under circumstances in which confidentiality was appropriate;
- The health care information was compiled and is used solely for litigation, quality assurance, peer review, or administrative purposes; or
- Access to the health care information is otherwise prohibited by law, to the extent that such law is consistent with the exceptions listed in the Privacy Standards.

iii) **Denial Inconsistent with RCW 42.17**

The hospital's ability to deny access to protected health information is subject to conflicting rules mandating public disclosure under RCW 42.17 for campaigns and lobbying.

PROCEDURE—Review of Access Denial for Endangerment. An individual has the right, on request, to have another licensed health care professional promptly review our denial of access on grounds of endangerment. When our Privacy Officer denies access to protected health information, our Privacy Officer will:

- Inform the individual in writing of the right of independent review and the procedures for exercising that right; and

- If the individual requests review, designate a licensed health care professional who did not participate in the denial decision to review the decision and, within a reasonable time, report to our Privacy Officer whether the denial is justified; and
- Promptly report the reviewer's determination in writing to the individual, and act in accordance with the reviewer's determination.

POLICY—Access Granted. We will permit an individual who has been granted access the opportunity to inspect and obtain a copy of his or her protected health information at a time and place, or by mail, as may be mutually agreed by the individual and our Privacy Officer. We will provide the individual a summary or explanation of the requested protected health information, if the individual requests and agrees to pay any fee we may charge for preparing the summary or explanation.

PROCEDURE—Access Granted. If instructed by our Privacy Officer to supervise a grant of access, you will furnish the requested protected health information in the form or format that the individual requests, unless that is not feasible. Consult with the Privacy Officer if it appears that the form or format the individual requests is not feasible. If our Privacy Officer informs you that there is a fee, you must collect the fee before providing the access service to which the fee applies.

POLICY—Designations. We must identify in writing each designated record set we maintain or that is maintained on our behalf by our business associates, and the titles of persons or offices responsible for receiving and processing access requests.

POLICY—Documentation. We must document, on paper or electronically, each designated record set we maintain or that is maintained on our behalf by our business associates, the titles of persons or offices responsible for receiving and processing access requests, each access request we receive, our response, and any other documentation regarding our compliance with our obligations to provide access.

PROCEDURE—Documentation. You must include in the individual's records and furnish to our Privacy Officer each access request received and our response. You must also furnish our Privacy Officer the designation of personnel and record sets and any other documentation regarding our compliance with respect to amendment requests. Our Privacy Officer will retain this documentation until 6 years after the later of its creation or last effective date.

RCW 70.02.080

Patient's examination and copying -- Requirements.

(1) Upon receipt of a written request from a patient to examine or copy all or part of the patient's recorded health care information, a health care provider, as promptly as required under the circumstances, but no later than fifteen working days after receiving the request shall:

(a) Make the information available for examination during regular business hours and provide a copy, if requested, to the patient;

(b) Inform the patient if the information does not exist or cannot be found;

(c) If the health care provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the health care provider who maintains the record;

(d) If the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than twenty-one working days after receiving the request, when the information will be available for examination or copying or when the request will be otherwise disposed of; or

(e) Deny the request, in whole or in part, under RCW 70.02.090 and inform the patient.

(2) Upon request, the health care provider shall provide an explanation of any code or abbreviation used in the health care information. If a record of the particular health care information requested is not maintained by the health care provider in the requested form, the health care provider is not required to create a new record or reformulate an existing record to make the health care information available in the requested form. The health care provider may charge a reasonable fee for providing the health care information and is not required to permit examination or copying until the fee is paid.

RCW 70.02.090

Patient's request -- Denial of examination and copying.

(1) Subject to any conflicting requirement in the public disclosure act, chapter 42.17 RCW, a health care provider may deny access to health care information by a patient if the health care provider reasonably concludes that:

(a) Knowledge of the health care information would be injurious to the health of the patient;

(b) Knowledge of the health care information could reasonably be expected to lead to the patient's identification of an individual who provided the information in confidence and under circumstances in which confidentiality was appropriate;

(c) Knowledge of the health care information could reasonably be expected to cause danger to the life or safety of any individual;

(d) The health care information was compiled and is used solely for litigation, quality assurance, peer review, or administrative purposes; or

(e) Access to the health care information is otherwise prohibited by law.

