

LOUISIANA HEALTH CARE QUALITY FORUM

POLICY: Individual Access to PHI	EFFECTIVE: 10-01-2011
DEPARTMENT: LHCQF/LaHIE	REVISED:

PURPOSE

To ensure a process is implemented that allows individuals the right to access their protected health information (PHI), right to amend their PHIE, and accounting of disclosures of PHI.

PROCESS

1. Participating organizations as the covered entities that exchange protected health information (PHI) to and through LaHIE will comply with the HIPAA Privacy Rule administrative requirements and extend such obligations to LHCQF/LaHIE as a business associate.
2. Participants as covered entities under the HIPAA Privacy Rule will have the opportunity to enable patients to have the right to make requests for access to their PHI, provided they inform individuals of such a requirement. (See 45 C.F.R. § 164.524(b)(2)(i).)
3. Participants shall develop and implement reasonable policies and procedures that outline the specific provisions of access, form or format of access provided, and denial of access process.
4. LHCQF/LaHIE may be permitted by the Participant/covered entity, acting as its business associate, to assign the appropriate credentials and authenticate personal representatives, and any others, seeking access to PHI.
5. Participants shall educate patients with respect to the terms and conditions upon which their health information is shared and their rights to access their own health information.
6. Patient access to health information must be in accordance with all applicable laws and regulations, included but not limited to, La. R.S. 40:1299.96(A)(2)(d) which allows a health care provider to deny access to a record if the health care provider reasonably concludes that knowledge of the information contained in the record would be injurious to the health or welfare of the patient or could reasonably be expected to endanger the life and safety of any other person, La. R.S. 40:1300.14 regarding confidentiality of HIV patients, and any and all state and federal laws permitting denial of access to medical information in specific circumstances.

APPROVAL:

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