

PATIENT ACCESS TO MEDICAL RECORDS

California law and HIPAA privacy regulations allow patients to access their own medical record information, with certain limitations. The health care provider has certain options as to the way in which access is provided and access can be denied under specific circumstances specified in the law.

WHAT RECORDS ARE AVAILABLE TO PATIENT ACCESS?

Access must be provided to any medical record in the possession of a licensed health care provider listed in the law. This includes all licensed hospitals, skilled nursing homes, and clinics, and licensed physicians, dentists, podiatrists, chiropractors, clinical social workers, and marriage, family and child counselors.

The law describes certain types of information which are not considered to be a part of the medical record, e.g., any aggregate information about several patients, information regarding any other patient, and certain information which may have been provided in confidence by someone other than the patient, or any other material that would not normally be considered a part of the medical record or the designated record set.

Records of care for substance abuse are subject to federal regulations and are not affected by the patient access law.

WHO CAN HAVE ACCESS TO MY MEDICAL RECORD?

Adult patients can have access to their own records, unless the patient is under a conservatorship of person or has an “attorney-in-fact” (an agent appointed under the durable power of attorney law to make health care decisions in the event of incompetency). In that case the conservator or attorney-in-fact has the right of access as the patient’s representative. If access is requested by either the conservator or the attorney-in-fact, the provider will expect to see the legal documents confirming such status.

CAN ACCESS BE DENIED?

Yes. The law provides that the health care provider can deny access to the minor’s record requested by the parent or guardian if it is believed that disclosure will have a detrimental effect on the provider’s treatment relationship with the minor patient. Access can also be denied if the provider believes that disclosure to the parent or guardian may have an adverse effect on the minor patient’s safety or psychological well-being. Denial of access is mandatory when the parent or guardian seeks access to the record of a minor patient if the minor has the right to consent to treatment. The provider will notify the parent or guardian if access is being denied.

Access cannot be denied because the patient has not paid his or her bill from the health care provider.

WHAT TYPE OF ACCESS IS AVAILABLE?

You may ask to inspect the original records or to receive copies of all or part of the record.

If you request inspection and find at the time of inspection that you would also like copies, they may be requested at that time but this constitutes a new request.

You also have the option of requesting a summary report in lieu of either inspection or copies.

WHAT IS MEANT BY “INSPECTION” AND “SUMMARY”?

Inspection means that you go to the hospital or office to review the actual original medical record. This can be done only during business hours as defined by the provider. There is no right to inspection on holidays or weekends. If you request inspection, it would probably be useful to call the provider to arrange a time for such review.

A summary is a narrative report that covers all elements of the care provided but is not a copy of the original record.

HOW DO I REQUEST ACCESS?

Requests for access must be in writing; no telephone request can be honored. Your written request should give as much information as possible to assist the health care provider to identify your record in the event that there are other patients with a name similar to yours. At a minimum, the following information is needed:

- Full name (including any former name you may have used when obtaining health care).
- Birthdate.
- Approximate date of treatment.
- The type of access requested.

In requesting copies, you should indicate which parts of the medical record you want.

Requests for hospital records should be addressed to:

Sequoia Hospital
Health Information Management
Release of Information
170 Alameda de las Pulgas
Redwood City, CA 94062

WHAT WILL IT COST ME?

The law recognizes that health care providers will incur some expense in providing access and permits recovery of these costs. If copies are requested, there may be a reasonable cost-based charge for fees associated with the copying of the medical records including labor and copy fees. The copy charge is twenty-five cents (\$0.25) a page if copied from the original record or fifty cents (\$0.50) a page if the original records have been converted to microfilm. Since most medical records are lengthy, you may want to consider your needs carefully and request only the specific items in which you are interested rather than requesting copies of the entire record.

The law also permits the provider to charge for the expense involved in preparing the summary report when this option is chosen.

WILL I HAVE TO PAY IN ADVANCE?

Yes. The law makes access conditional upon the prepayment of allowable charges and most health care providers will expect to be paid prior to either inspection or copying. If you have requested copies, the provider will usually send you a statement of expected charges before making the copies so that you will have an opportunity to change your request if the charge is higher than anticipated.

HOW SOON CAN I HAVE ACCESS?

Inspection must be permitted within five (5) working days and copies provided within fifteen (15) calendar days after the written request is received. If you choose the summary report option, ten (10) working days are allowed, but this can be extended to thirty (30) calendar days if the record is lengthy or if the patient has been discharged from the facility within the previous ten (10) calendar days. If this extension will be needed, you will be notified.

A request is not considered to be effectively received until the information furnished is adequate to identify the record properly and payment has been made.

IS THERE ANY OTHER WAY IN WHICH I CAN OBTAIN INFORMATION FROM MY MEDICAL RECORD?

Yes. Physicians and hospitals ordinarily furnish the information necessary to continue your care when it is requested by another physician or hospital.

If you need information for your insurance company, school, or employer, it is usually better to let them request the information directly since they can be more precise about which information is needed

AM I ALLOWED TO AMEND OR CHANGE MY MEDICAL RECORD?

You have the right to request an amendment of your medical record. The request must be provided in writing and should include the date of service and portion of the record you think should be amended. The provider must respond to your request no later than 60 days after the receipt of the request. Specific procedures must be followed as it relates to granting or denying the request for amendment.

WHOM SHALL I CONTACT IF I HAVE ADDITIONAL QUESTIONS?

If you have additional questions, please call the Release of Information Technician at Sequoia Hospital at (650) 367-5141.