

RESIDENT'S RIGHT TO ACCESS THEIR PROTECTED HEALTH INFORMATION

POLICY

Lasata Senior Living Campus shall provide residents with access to inspect and obtain a copy of their **protected health information** which is contained in a **designated record set**,

- for as long as the information is contained in the designated record set in accord with Lasata Senior Living Campus' record retention policies; and
- whenever the protected health information is not excepted* from disclosure pursuant to law.

* Exceptions by law to a resident's right to access, inspect and obtain a copy of their protected health information include:

- **Psychotherapy notes** which are subject to s. 51.30, Wisconsin Statutes, and which are maintained separately from the designated record; and

Lasata Senior Living Campus maintains the following designated record sets on residents, which are subject to this access policy:

- All resident's personal, financial and clinical records are considered protected.
- The medical record consists of several records including, but not limited to, medication administration, comprehension assessments, care plans, personal information, insurance information, physician and interdisciplinary notes and pharmacy records.
- The financial records consist of several components including, but not limited to, accounting, billing, resident trusts, insurance, diagnostic codes and medical information.

PROCEDURE

INSTRUCTIONS FOR REQUEST TO ACCESS PROTECTED HEALTH INFORMATION

- The Lasata Senior Living Campus' Notice of Privacy shall advise residents of the requirement to make a request for access to their protected health information in writing.
- A request by a resident for access to inspect or obtain a copy of their protected health information **shall** be made in writing and may be made on the form titled REQUEST FOR ACCESS TO INSPECT/COPY OR AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION which is available to residents for this purpose at the Lasata Senior Living Campus' Reception Desk and online at www.lasatacampus.com.
- Requests for Access shall be submitted to the Medical Records office for processing.

INSTRUCTIONS FOR PROCESSING REQUESTS FOR PROTECTED HEALTH INFORMATION

- Upon receipt of a written request for access, Lasata Senior Living Campus staff shall document the date and time of receipt on the resident's request for access.
- Lasata Senior Living Campus will act to accept or deny the request for access as expeditiously as possible, but not later than 30 days after receipt of the written request unless the information requested is not maintained or accessible on-site, in which case Lasata Senior Living Campus will act to accept or deny the request for access not later than 60 days after receipt of a request for access. If Lasata Senior Living Campus is unable to process a request for access and grant or deny access within the 30 or 60 day deadlines, one extension of 30 days will apply if Lasata Senior Living Campus provides a written statement of the reasons for the delay and the date by which action on the request will be completed prior to the expiration of the 30 day or 60 day deadline. No additional extensions will apply.

PATIENT RIGHTS

- If Lasata Senior Living Campus does not maintain the protected health information that the resident is seeking access to, but knows where the requested information is maintained, Lasata Senior Living Campus will inform the resident where to direct their request for access.

If Lasata Senior Living Campus accepts the access requested by the resident, in whole or in part:

- Lasata Senior Living Campus will inform the resident of their acceptance of the resident's request.
- The access requested by the resident, including inspection or obtaining a copy, or both, of the protected health information about them in designated record sets will be provided after protected health information for which a ground to deny exists has been excluded. If identical protected health information requested is maintained in more than one designated record set or at more than one location, Lasata Senior Living Campus will only produce the protected health information once in response to a request for access.
- Lasata Senior Living Campus will arrange with the resident a convenient time and place to inspect or obtain a copy of the protected health information if the resident does not wish for the information to be mailed to them.
- Lasata Senior Living Campus must document the time and date of inspection conducted, the name of the inspecting person and the records released for inspection on the written request for access in the section designated for this purpose.
- Lasata Senior Living Campus may discuss the scope, format, and other aspects of the request for access with the resident as necessary to facilitate the time provision of access.
- Lasata Senior Living Campus charges a reasonable cost-based fee in accord with s. 146.83, Wisconsin Statutes, and includes the cost of supplies and labor to copy the protected health information requested and postage if the resident has requested the information be mailed to them. An estimate of the cost to reproduce a copy of health records will be provided upon request.

PATIENT RIGHTS

- Access to protected health information will be provided to the resident in the form or format requested by them if it is readily producible in such form or format. If the access is not readily producible in the form or format requested by the resident, then the protected health information will be provided in a readable hard copy form or such other form or format as agreed to by Lasata Senior Living Campus and the resident.
- If the protected health information that is the subject of a request for access is maintained in one or more designated record sets electronically and if the resident requests an electronic copy of such information, the covered entity must provide the resident with access to the protected health information in the electronic form and format requested by the resident if it is readily producible in such form and format. If the protected health information is not readily producible in such form and format, a readable electronic form and format as agreed to by Lasata Senior Living Campus and the resident will be provided.
- If the resident's request for access directs Lasata Senior Living Campus to transmit a copy of protected health information directly to another person designated by the resident, Lasata Senior Living Campus will provide the copy to the person designated by the resident. Protected health information will only be directed to another person if the resident's written request is signed by the resident and clearly identifies the designated person and where to send the copy of protected health information.

If Lasata Senior Living Campus denies the access requested, in whole or in part:

- Lasata Senior Living Campus will, to the extent possible, give the resident access to any protected health information requested, after excluding the protected health information which Lasata Senior Living Campus has a ground to deny access to.
- A written denial shall be provided within 30 days of receipt of the request for access to protected health information. The denial must be in plain language and contain:
 1. The basis for denial.

PATIENT RIGHTS

2. The following statement:

A resident that has been denied access to their protected health information by Lasata Senior Living Campus may submit a complaint to the **Privacy Officer** regarding Lasata Senior Living Campus' policies and procedures, compliance with their policies and procedures or compliance with the requirements of the HIPAA privacy rules. The complaint shall be in writing and may be made on the form titled **PRIVACY/VIOLATION COMPLAINT FORM** available at Lasata Senior Living Campus' Reception Desk. All complaints shall be addressed and submitted to: Privacy Officer, c/o Office of Administration, Lasata Senior Living Campus, W76 N677 Wauwatosa Road, Cedarburg, WI 53012, 262-284-2844.

A resident may also submit a complaint to the Secretary of Health and Human Services. A complaint to the Secretary must:

- a) Be in writing, either on paper or electronically; and
- b) Must name the person that is the subject of the complaint and describe the acts or omissions believed to be in violation of the applicable administrative simplification provision(s); and
- c) Be filed within 180 days of when the complainant knew or should have known that the act or omission complained of occurred, unless this time limit is waived by the Secretary for good cause shown; and
- d) The Secretary may prescribe additional procedures for the filing of complaints, as well as the place and manner of filing, by notice in the **FEDERAL REGISTER**.

Additional information and forms for filing a complaint with the Secretary can be obtained at:

<http://www.hhs.gov/ocr/privacy/hipaa/complaints/>