

# HIPAA: Patient Rights

As you probably know, the HIPAA compliance deadline is April 14, 2003. That means that by that date we must have processes in place that follow the health information privacy standards outlined in federal law. This document is designed to give you concrete information about how HIPAA may impact what you do at OHSU.

## Patient Rights Under HIPAA

Under HIPAA, patients are entitled to more information about and more control over their health information. The patient rights are:

1. The Right to Receive a [Notice of Privacy Practices](#)
2. The Right to Access Protected Health Information (PHI);
3. The Right to Amend PHI; and
4. The Right to an Accounting of Disclosures of PHI
5. The Right to Request a Specified Method of Communication
6. The Right to Request Restrictions on Use and Disclosure of Health Information

### 2. The Right to Access PHI

Under HIPAA, patients have a right to examine and, if they wish, to receive a copy of, all the health information OHSU has on a patient that we use to make decisions about them. If a patient wishes to examine their health information and it is held in your area, you can allow them to do this. We strongly recommend that they do this with a health care professional present that can answer any questions the patient may have. If the patient wishes to examine their information held in multiple sites around OHSU (their billing records, dental records, and chest x-ray images), you should provide them with a form designed for this purpose. This form will be posted at <http://www.ohsu.edu/integrity/policies>. The patient should fill out this form and it then goes to HIS. HIS will work with the OHSU sites to collect this information, and will provide the patient with access to it within 30 days of the request. If a patient would like a copy of their PHI, we may charge a reasonable, cost-based fee for providing this.

In some cases, access to PHI may legitimately be denied. For instance, access may be denied if a health care professional believes that providing access to certain information may pose a danger to the patient or to others. If you're not sure whether you should allow the patient to see certain information, check with your manager or supervisor.

### 3. The Right to Amend PHI

Once a patient accesses their health information, they may think that certain information is incorrect or missing. Oral requests for changes can only be accepted to correct typos, change demographic information, update insurance information, and correct billing or processing errors. All other requests for changes must be submitted in writing. A form designed for this purpose is posted at <http://ozone.ohsu.edu/healthsystem/HIS/mr4643.pdf>. This form and any appropriate supporting documentation should be forwarded to HIS (medical record requests), Patient Billing Services or UMG (as appropriate), or the Office of Clinical Affairs in the School

of Dentistry (if the request concerns dental records.) The patient will receive a response within 60 days of submitting their request. This response will let them know if their request has been granted or denied.

#### **4. The Right to an Accounting of Disclosures**

A disclosure is a release of information outside of OHSU. Sometimes OHSU discloses health information for reasons other than treatment, payment, or health care operations, and the patient has not authorized this. Examples of this are public health activities (reporting immunizations, birth and death certificates, cancer/tumor registries, pregnancy terminations), reports about victims of abuse, neglect, or domestic violence, information used for organ or tissue donation and transplantation, disclosures about decedents to coroners, medical examiners, or funeral directors, and other disclosures required by law. To learn more about these disclosures, see <http://www.ohsu.edu/integrity/resources>

Under HIPAA, disclosures that are not part of treatment, payment, and/or operations and that are not authorized by the patient must now be tracked. If a patient requests an accounting, or list, of these disclosures, we must provide them with one. In order to do this, OHSU has developed an Accounting of Disclosures (ADS) database. When a disclosure occurs, the person or area that released the information is responsible for making sure that this is recorded in the ADS system. Managers in each unit or area need to determine who in their area will be responsible for entering disclosures into the ADS system. Once this determination has been made, managers must pre-register these people so that access to the ADS system can be granted. To do this, managers should send these people's names and areas to [acctdisc@ohsu.edu](mailto:acctdisc@ohsu.edu). Access and user information will then be sent. Once a disclosure has occurred, documenting this into the system within one business day is a good practice, but this *must* be done within five business days. OHSU is required to begin tracking disclosures on April 14, 2003.

If a patient requests an accounting of disclosures, you should have them fill out the form for this that is posted at <http://ozone.ohsu.edu/healthsystem/HIS/mr4644.pdf> This form should then be sent to HIS, and they will provide an accounting to the patient within 60 days of the request.

#### **5. The Right to Request a Specified Method of Communication**

At times patients may ask that we communicate with them in special ways. These requests may involve a single unit or multiple areas.

##### **Examples of Requests That Involve a Single Service Area:**

- “Please don't leave appointment reminders on my answering machine.”
- “Please call-in my prescription to this pharmacy.”

##### **Examples of Requests that Involve Multiple Areas:**

- “Please have the billing department send my bill to my mother's house.”
- “Please ask Radiology to send my mammogram results to my office.”

We can only accept requests that impact a single service area. If a patient makes a request that involves multiple areas, it is up to them to coordinate this with each area directly.

A patient may request a specified method of communication either orally or in writing. If the request is in writing, please use the form for this that is posted at <http://ozone.ohsu.edu/healthsystem/HIS/mr4642.pdf>

## **6. The Right to Request Restrictions on Use and Disclosure of Health Information**

Patients have the right to request restrictions on

- a) The use and disclosure of PHI for treatment, payment, and health care operations;
- b) Disclosure of PHI to family members, friends, and others involved in their care

If a patient would like to request a restriction of use and disclosure of PHI for treatment, payment, and/or health care operations (a), this request must be made in writing. The form for this is posted at <http://ozone.ohsu.edu/healthsystem/HIS/mr4641.pdf> Once this form has been completed it should be sent to OHSU Office of Information Privacy and Security (Mail Code: AD 140). You should let the patient know that until a determination is made, their PHI will be used and disclosed as described in our Notice of Privacy Practices. The patient will be notified in writing within whether their request has been accepted or denied.

If a patient requests that we not share their PHI with family, friends, or others involved in their care (b), they may do this orally. We should do our best to accommodate all reasonable requests, and should document them in the patient's chart. A patient can terminate these restrictions orally (if so, document in chart) or in writing. OHSU may also terminate restrictions that we have agreed to by notifying the patient in writing.