

## INDIVIDUALS ACCESS TO PROTECTED HEALTH INFORMATION

### GENERAL RULE

The Waterloo Community School District shall allow an employee the right to inspect and obtain a copy of their protected health information for as long as the information is maintained. All such requests shall be made in writing to the district's designated Contact Person, Erica Hopper. The district may respond to the requests for access to protected health information by requesting an extension, agreeing to accept the request, or denying the request for reasons set forth in this regulation.

### EXCEPTIONS

Employees are not entitled to inspect and obtain a copy of the following information:

1. Psychotherapy notes,
2. Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.
3. Protected health information maintained by the organization that is:
  - a. Subject to the Clinical Laboratory Improvements Amendment of 1988 to the extent the provision of access to the individual would be prohibited by law, or
  - b. Exempt from the Clinical Laboratory Improvements Amendments of 1988.

### RESPONDING TO REQUESTS TO ACCESS PROTECTED HEALTH INFORMATION

The Waterloo Community School District shall respond to a request to access protected health information within 30 days after receipt by doing one of the following:

#### 1. Requesting An Extension

If the district is unable to respond within the required time provided, the district may extend the time for an additional 30 days. To request the extension, the district must provide the individual, within the original timeframe, a written statement explaining the reasons for the delay and the date by which the district will complete the request. Only one extension of time will be allowed for each request.

#### 2. Granting the Request To Access Protected Health Information

The district must provide access as requested within a timely manner. The district's designated Contact Person will arrange a convenient time and place for the individual to inspect the protected health information, or mail a copy at the individual's request. The Contact Person may discuss the scope, format and other aspects of the request for access with the individual as necessary to facilitate the timely provision of access.

The following guidelines will be followed when providing an individual with access, in whole or in part, to the protected health information:

- a. The individual will be allowed the right to inspect or obtain a copy, or both, of the protected health information.
- b. If the information is maintained in more than one designated record set or at more than one location, the district will be required to produce the protected health information once in response to a request.
- c. The district will provide the individual with access to the protected health information in the form or format requested, in a readable hard-copy form or such other form or format as agreed to by the Contact Person and the individual.
- d. The district may provide the individual with a summary or explanation of the protected health information requested instead of allowing access to the information if:
  - 1) The individual agrees in advance to such a summary or explanation.
  - 2) The individual agrees in advance to the fees imposed, if any, for the summary or explanation.

### 3. Costs Charged By The District

The district may impose a reasonable fee to copy requested protected health information or summary of explanation, provided that the fee includes only the cost of:

- a. Copying, including the cost of supplies for and labor of copying, the protected health information requested by the individual.
- b. Postage, when the individual has requested the copy or the summary or explanation to be mailed.
- c. Preparation of the explanation or summary of the protected health information if agreed to by the individual.

### 4. Access To Protected Health Information Denied

If the district denies access, in whole or in part, to protected health information, the following requirements will be met:

- a. The district, to the extent possible, will give the individual access to any other protected health information requested, after excluding the protected health information as to which the Waterloo Community Schools has a ground to deny access.

- b. The district must provide a timely written denial to the individual. The denial must contain the following:
  - 1) The denial must be in plain language.
  - 2) The basis for the denial.
  - 3) If applicable, a statement of the individual's review rights, including a description of how the individual may exercise such review rights.
  - 4) A description of how the individual may complain to the district pursuant to the complaint procedures or to the Secretary of Health and Human Services. The description must include the name, or title, and telephone number of the complaint contact person or office designated for the district.
- c. If the district does not maintain the protected health information that is the subject of the individual's request for access, and the organization knows where the requested information is maintained, the district must inform the individual where to direct the request for access.
- d. If the individual has requested a review of a denial, the district must designate a licensed healthcare professional, who was not directly involved in the denial, to review the decision to deny access.
  - 1) The district must promptly refer a request for review to the designated reviewing officer. The designated reviewing officer must determine, within a reasonable period of time, whether or not to deny the access.
  - 2) The district must promptly provide written notice to the individual of the determination of the designated reviewing Officer and take other action as required to carry out the designated reviewing officer's determination.

#### UNREVIEWABLE GROUNDS FOR DENIAL

The Waterloo Community School District may deny an individual access without providing the individual an opportunity for review, in the following circumstances:

- 1. The individual does not have the right to access the information from psychotherapy notes.
- 2. An individual's access to protected health information that is contained in records that are subject to the Privacy Act, 5 U.S.C. § 552a, may be denied, if the denial of access under the Privacy Act would meet the requirements of that law.
- 3. An individual's access may be denied if the protected health information was obtained from someone other than a healthcare provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.

#### REVIEWABLE GROUNDS FOR DENIAL

#### ADMINISTRATIVE REGULATION

The district may deny an individual access, provided that the individual is given a right to have such denials reviewed in the following circumstances:

1. A licensed healthcare professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person;
2. The protected health information makes reference to another person (unless such other person is a healthcare provider) and a licensed healthcare professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person, or
3. The request for access is made by the individual's personal representative and a licensed healthcare professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

## DOCUMENTATION

The Waterloo Community Schools must document and retain the following:

1. The protected health information subject to access by individuals.
2. The titles of the persons or offices responsible for receiving and processing requests for access by individuals.

Legal Ref.: Health Insurance Portability and Accountability Act of 1996

ADOPTED: 2/5/04

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