



OBTAINING A COPY OF PROTECTED HEALTH INFORMATION (PHI)

Policy Statement

The University of North Carolina at Chapel Hill School of Dentistry is committed to respecting the protected health information (PHI) of all patients. Consistent with this mission and exercising its right under federal law, the UNC School of Dentistry requires patients to provide written authorization for the release of any records containing PHI.

Definitions

Protected health information refers to individually identifiable health information as defined by the Health Insurance Portability and Accountability Act of 1996 and its accompanying federal regulations.

Audience

This policy is intended for all patients, employees, and students of the UNC School of Dentistry.

Reason for Policy

The reason for this policy is to ensure that the UNC School of Dentistry processes requests for records releases in a manner that is lawful, timely, and respectful of protected health information.

Roles and Responsibilities

Under federal law, patients are expressly afforded the right to access, inspect, and obtain a copy of their PHI. Covered entities, such as the UNC School of Dentistry, are expressly authorized under federal law to require that patient access to this information be requested in writing, provided that the covered entity informs individuals of this requirement.

Patient records may be accessed and inspected free of charge, but a fee may be assessed to obtain a copy of the records or to transmit the records to a third party at the patient's direction. The fee shall not exceed the maximum allowance under federal law.

Individuals will be allowed access, inspection, and/or copies of the requested PHI in a secure and confidential manner, and in the form and format requested by the individual if



the PHI is readily producible in this form. If the PHI is not readily producible in the form and format requested, the UNC School of Dentistry will produce the PHI in its original electronic form, in a readable hard copy form, or another electronic form that is mutually agreeable to both the individual and the UNC School of Dentistry.

The UNC School of Dentistry shall respond to requests no later than 30 calendar days after the request is made or, if unable to respond in this timeframe, the UNC School of Dentistry shall provide a written statement to the requesting individual of the reasons for the delay and a date by which the UNC School of Dentistry will provide the requested PHI not to exceed an additional 30 days.

Individuals do not have the right to access information in all instances, and a denial of access is not subject to review for the following information:

- psychotherapy notes;
- information compiled in reasonable anticipation of, or for use in, a civil, criminal or administrative action or proceeding;
- information maintained by a provider that is subject to the Clinical Laboratory Improvements Amendments of 1988 to the extent the provision of access to the individual would be prohibited by law, or exempt from the Clinical Laboratory Improvements Amendments pursuant to 42 CFR 493.3(a)(2);
- information obtained from someone other than the health care provider under a promise of confidentiality, if the access requested would be reasonably likely to reveal the source of the information

Where information is created or obtained by the UNC School of Dentistry in the course of research that includes treatment and the individual has agreed to the temporary denial of access when consenting to participate in the research, the individual's right to access is suspended for as long as the research is in progress. In such cases, a denial of access is not subject to review.

A denial of access is subject to review when:

- a licensed health care professional has determined, in the exercise of professional judgment, that the requested access is reasonably likely to endanger the life or physical safety of the individual or another person; or
- the PHI makes reference to another person (unless such other person is a health care provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person.

If requested and applicable, the review of denial will be conducted by a licensed health care professional who has been designated by the UNC School of Dentistry to act as a



reviewing official and who did not participate in the original decision to deny.

When denying an individual access to PHI, the denial will:

- be written in plain language;
- contain the basis for the denial;
- contain the following statement, if applicable:
 - THE INDIVIDUAL HAS THE RIGHT TO HAVE THE DENIAL REVIEWED BY A LICENSED HEALTH CARE PROFESSIONAL WHO HAS BEEN DESIGNATED BY THE UNC SCHOOL OF DENTISTRY TO ACT AS A REVIEWING OFFICIAL WHO DID NOT PARTICIPATE IN THE ORIGINAL DECISION. INDIVIDUALS MAY EXERCISE THIS RIGHT BY INFORMING THE UNC SCHOOL OF DENTISTRY IN WRITING; and
- contain a description of how the individual may lodge a complaint with UNC School of Dentistry, the University, or the U.S. Department of Health and Human Services (HHS).

The UNC School of Dentistry will appropriately document the request and delivery or denial of the PHI in the administrative section of the individual’s medical record.

The UNC School of Dentistry will retain PHI that is subject to access by individuals for a period of at least 6 years from the date of its creation or the date when it was last in effect, whichever is later.

Related Regulations, Statutes, and Related Policies

-Health Insurance Portability and Accountability Act of 1996

-45 CFR § 164.524

-UNC Policy on Accessing, Inspection, and Obtaining a Copy of PHI
(http://www.unc.edu/hipaa/policiesandforms/Accessing_Inspecting_Obtaining.pdf)

Contacts

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Document History

This section must contain the following dates or placeholders for future dates:

- Adopted Date: 12/1/2016
- Effective Date: 12/1/2016
- Revised Date(s): (none)

Procedures

-Procedure for Requesting Release of Patient Information

Forms

-Authorization to Release Patient Information