

RIVER VALLEY COUNSELING CENTER

POLICY/PROCEDURE # ADMIN-1500

SUBJECT: RELEASE OF INFORMATION

DATE REVIEWED/REVISED: 9/00, 9/10, 6/16, 10/16, 11/18, 3/19, 3/20

POLICY STATEMENT:

RVCC is committed to ensuring that protected health information is released in accordance with all state and federal regulations. All protected health information is released in accordance with the Medical Records Confidentiality Act of 1995, Federal confidentiality regulations concerning Substance Abuse Treatment (42 CFR Part 2) and HIPAA (45 CFR Parts 160 and 164).

a. **POLICY PURPOSE:**

To establish a strong and effective mechanism to protect the privacy of persons with respect to personally identifiable health care information that is created or maintained as part of treatment, diagnosis, enrollment, payment, testing and/or research processes.

PROCEDURE:

1. Initial release of information – All clients, parent of minor children or legal guardian shall sign the following releases of information at or before the initial appointment. These releases of information shall be utilized for the specific purposes as outlined in each release. No information shall be released to any source unless otherwise specified without the appropriate signed consent to release information. A specified expiration date or event at which the authorization expires shall be clearly stated in each consent form.
 - a. Informed Consent and Limits of Confidentiality – This is a general statement of client confidentiality and how information will be released. The signed informed consent and limits of confidentiality shall be maintained in the client's medical records.
 - b. Primary Care Provider Consent Form – This is consent to discuss with a client's primary care physician information relating to coordinating care for that individual. A client may elect not to consent to the release of information or may elect to discontinue consent with their primary care provider. Appropriate forms will be completed for any change. The primary care provider consent form shall be maintained in the client medical record.

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- c. Consent to Bill and Release Information to the Insurance Carrier – Billing to a client’s health carrier or other responsible parties is contingent upon a release stating that RVCC may bill their current insurance carrier, any future insurance carriers as changes occur or other responsible payers as specified. No individual shall be seen without a release to bill their insurance carrier, other liable parties as specified or that they understand that they are responsible for charges incurred if they elect not to bill their insurance carrier or other liable parties as specified. The release shall specify that the client is responsible for any co-pays, fees and/or charges at the time the services are rendered. The signed consent to bill will be maintained in the client medical record.
 - d. Consent to Treatment – No client shall be treated without a signed consent to treat. The client, parent of a minor child or guardian as applicable shall sign this release. The signed consent to treatment shall be maintained in the client medical record.
 - e. Consent to Release Information Regarding HIV/Substance Abuse – A separate consent shall be signed to release any information obtained for HIV/Substance Abuse. No protected health information shall be released without the client’s specific written consent.
2. Release of information to client or designated representative – Each client, parent of a minor child or legal guardian has the right to review or obtain a copy of protected health information with the exceptions as specified in the Medical Records Confidentiality Act of 1995, Title 1 Sec. 101b listed below:
- Endangerment of Life or Safety – The Executive Director or his designated representative determines that disclosure of the information could reasonably be expected to endanger the life or physical safety of any individual.
 - Confidential Source – The information identifies or could reasonably lead to the identification of a person who provided information under a promise of confidentiality to a health care provider concerning the individual who is the subject of the information.

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- Administrative Purposes – The information is used by RVCC solely for administrative purposes and not in the provision of health care or the administration of benefits to the individual who is the subject of the information.

- b. Upon completion of review of the medical record and removal of all exempt information inspection or copying of protected health information may be obtained. At no time, shall information obtained about other individuals be released without their written consent. Such information shall be blocked out prior to release.
- c. At no time shall information obtained from other sources be released by any employee of RVCC.
- d. Deadline – RVCC shall prepare for review or copy the individual's record with the exception removed within thirty (30) days of written request for such a review or copy of records.
- e. Effective October 1, 2016, the fees for copies of medical records are:
 - \$22.32 base charge for clerical and other administrative expenses related to complying with the request for making a copy of the record;
 - \$0.76 per-page charge for the first 100 pages copied; and
 - \$0.39 per-page charge for each page in excess of 100 pages¹.
 - 1) Notice of the fee shall be given to each individual requesting copies of medical records.
 - 2) The fee shall be collected before the copies are released. A copy of the receipt for records and payment will be given to the client and A/R.
 - 3) Special postage fees may be added if overnight delivery is requested.
 - 4) Fees must be waived for any request from a patient for a record that will be used for claims, eligibility reviews, or other

¹ Chapter 135 of the Acts of 2003 amended the state's medical record copying fee requirements for hospitals and individual healthcare providers. Under the law, providers may increase the applicable fees based on the U.S. Consumer Price Index (CPI) for medical care services in effect as of October 1, 2015. Using the change in the CPI for medical care services as of September 25, 2015, MA Hospital Association (MHA) has calculated the U.S. CPI for medical care services to be 2.21%.

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administrative reviews being conducted by Medicare, MassHealth, or other public assistance programs.

5.) Requests from any other party that is not the patient (e.g., lawyers looking for information on lawsuits or other legal actions) may be charged the base fee for administrative expenses.

3. Release of Information to Next-of-Kin – No protected health information shall be released to any relative or their designated representative without written consent to release information from the client/parent of a minor child and/or legal guardian. Exception as per The Medical Records Confidentiality Act of 1995, Sec. 205 1b.
 - a. The individual is not competent to notify of the right to object to the release of information.
4. Emergency Circumstances – As per the Medical Records Confidentiality Act of 1995 (“MRCA of 1995”), Sec. 206; Any person who receives protected health information under this title may disclose protected health information in emergency circumstances when necessary to protect the health or safety of an individual from serious imminent harm. Information shall only be released to emergency medical personnel, emergency room personnel and/or an inpatient psychiatric unit. Notification of the release of this individual shall be made to RVCC’s Executive Director or designated representative and the current clinician, if the case is open.
5. Release of Information to Other Individuals or Organizations - A specific release of information shall be signed by the client, parent of a minor child and/or guardian for all other disclosures for release of protected health information. This release of information request shall:
 - a. Be in writing;
 - b. Specify what information that is to be released, to whom and for how long the release of information is in effect;

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- c. A separate release for medical records and billing information is required;

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- d. Requests to release information shall be reviewed and the same exceptions shall apply as those for release of information to an individual client;
 - e. A separate release of information shall be needed to release protected health information in regards to HIV/Substance Abuse.
 - f. At no time shall information regarding other individuals, which was obtained during the course of treatment, be released without their specific written consent. All information pertaining to others shall be blocked out prior to release of any records.
6. Subpoena, Summons or Warrants – AS per the MRCA of 1995, Sec. 212
- a. A government authority may not obtain protected health information about an individual pursuant to a subpoena, summons or warrant. Upon receipt of a subpoena, summons or warrant all RVCC staff will follow the below listed procedures:
 - a. If at all possible all subpoena will be referred to the administrative offices for signature of receipt. If this is not possible, any staff member will sign for the subpoena, summons and/or warrant.
 - b. Staff member who signs for the subpoena, summons and/or warrant will immediately notify the Executive Secretary or acting representative of the receipt of the document. This will then be forwarded to the administrative offices.
 - c. The Executive Secretary or acting representative will inform the Executive Director or the designated representative of the receipt and request from the appropriate medical records department that the medical record will be forwarded to administrative for review by the Executive Director or a designated representative.
 - d. The Executive Director or representative will forward any information for legal review as deemed appropriate.
 - e. Upon review of the medical records, all records reviewed that meet the request standards and are appropriate for released based on the

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MRCA of 1995 will be approved for release by the Executive Director or a designated representative.

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- f. The Executive Secretary or designated representative will copy all approved information and will forward via certified mail, overnight delivery or delivery by a RVCC employee. The appropriate records will be forwarded to arrive within the time limits of the stated document.
 - g. The Executive Secretary or designated representative will ensure that return of all medical records to the appropriate site along with copies of all appropriate paperwork.
 - h. The Executive Secretary will maintain a file of completed subpoenas, summons and/or warrants with all appropriate documentation.
7. All clients shall retain the right to revoke their consent to release information at any time. This does not pertain to information, which has already been released. If the consent to release information effects billing individual's insurance, that individual will be responsible for all charges incurred after the revocation of the consent to release information.
8. Revocation of the right to treat will result in immediate termination of an individual as a client of RVCC.
9. Any person who knowingly releases information either verbally or in writing without the specific written consent from the client shall be subject to progressive discipline as established in RVCC's Personnel Manual.

