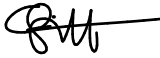
 HAWAII HEALTH SYSTEMS CORPORATION <i>Quality Healthcare for All</i> POLICY	Department: Legal	Policy No. ADM 0037A
		Supersedes Policy No.
Subject: HIPAA Records Release and Schedule of Charges	Approved By:  HHSC Board of Directors By: Stephany Vaioleti Its: Secretary/Treasurer	Approved Date: July 27, 2023
		Last Reviewed: June 14, 2023

I. PURPOSE: This policy describes procedures for release of medical records and protected health information and provides a schedule of associated charges in accordance with the HIPAA Rules – to effectuate changes mandated by legal or regulatory requirements.

II. DEFINITIONS:

“Individual” – means the person who is the subject of the protected health information (“PHI”). HHSC may treat an Individual’s personal representative (i.e., parent or guardian of minor, conservator or guardian) as the Individual. If, however, HHSC has a reasonable belief that the Individual has been subjected to domestic violence, abuse, neglect or any endangerment by his/her personal representative, the definition of Individual shall exclude that personal representative.

“Designated Record Set” – means the medical and billing records maintained by or for HHSC. For purposes related to this policy and 45 C.F.R. § 164.524(a) of the HIPAA Rules which governs access to PHI, a designated record set does not include: (i) psychotherapy notes, (ii) information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding, and (iii) any quality assessment or improvement records such as peer review or provider performance evaluation records, patient safety activity records, or business planning, development and management records that are used for business decisions.

III. POLICY:

A. Release of Records. Medical and Billing Records and other Protected Health Information: Specific requirements and procedures pertaining to disclosure of medical records and other PHI are not contained in this policy, except as to charges for duplication, which are set forth in section III.D. below. Refer to other HHSC policies on these topics and Hawaii Revised Statutes Section 622-57.

B. Requests for Records

1. Requests from Individuals: Upon request, HHSC shall provide Individuals with access to inspect and obtain a copy of their PHI in a Designated Record Set subject to the fee limitations under section III.D.1, of this policy. If an

Individual directs HHSC to send a copy of his/her PHI to a third party, HHSC shall apply the same fee limitations under section III.D.1.

2. Requests from Third Parties: When a third party requests an Individual's PHI, on the third party's own behalf, with a valid HIPAA authorization, the fee limitations under section III.D.1 of this policy shall not apply. Such third party requests shall be subject to the schedule of charges under Policy No: ADM 0001A.
3. Request to View or Inspect: If an Individual requests to only view or inspect his/her PHI, the fees listed under section III.D.1 below shall not apply. HHSC shall provide Individuals with the right to view and inspect their PHI without any charges.

C. Notice

1. Copying Charges: When an Individual requests a copy of his/her PHI, HHSC shall inform the Individual of the applicable charges. If requested by the Individual, HHSC may provide the Individual with a breakdown of the charges for labor, supplies, and postage (if applicable). Copying charges shall be agreed to beforehand by the Individual.
2. Voluminous Records: If the requested Designated Record Set is too voluminous or if an individual is not able to afford the charges, HHSC may offer a summary or explanation of the Individual's PHI, in lieu of providing copies of the Individual's actual records. HHSC may provide an individual with a summary or explanation of his/her PHI only if the Individual, in advance, agrees to receive a summary or explanation and the fees that may be charged.
3. Unencrypted Email: If an Individual requests that HHSC send his/her PHI via unencrypted email, HHSC shall: (1) first inform the individual of the risks of and, if the individual still prefers unencrypted email, (2) obtain from the Individual written acknowledgement of the Individual's acceptance of the risks associated with unencrypted email and (3) document the Individual's request and any information given to the Individual.

D. Charges for Release of Records

1. Designated Record Set and other Protected Health Information (*charges in the following chart are based on average reasonable labor costs existing as of the last review date of this policy*):

Search and Segregation Fee:	No Charge.
Flat Fee for PHI maintained in any electronic format, including	Requests for electronic PHI in paper form:

HHSC's EMR, CDs, microfilm or microfiche, and thumb drives	\$6.50 for typical record requests that involves 200 pages or less and 14 minutes or less to produce the paper copies.
	<p>Requests for PHI in electronic form:</p> <p>\$6.50 for typical record requests that involves 14 minutes or less to create and deliver the electronic copy in the form and format requested and a cost of \$2.00 or less for the requested electronic form and format, such as a CD.</p> <p>PHI in electronic form may be provided to an Individual via secure web-based portal (if available) or email (encrypted or unencrypted) at no cost to the Individual. If the Individual requests his/her PHI via unencrypted email, HHSC shall provide the Individual with notice under section III.C. of this policy.</p> <p>If the cost of the electronic form and format exceeds \$2.00, apply the costs below instead of the flat fee.</p>
Costs for Copying/Duplication Supply and Labor costs for PHI maintained in Electronic form and format:	<ul style="list-style-type: none"> ▪ Supplies <ul style="list-style-type: none"> • Paper: [Actual cost per page] • CDs: [Actual cost per CD] • Thumb or USB flash drives: [Actual cost per thumb or USB flash drive] ▪ Labor <ul style="list-style-type: none"> • \$0.45 per minute (based on the average wages of entry to senior level HIM Specialists) <p>*Direct transfer of records from Electronic Medical Record system to thumb drive/CD only. Paper records will not be converted into electronic form.</p>
Actual Costs for Copying/Duplication Supply and Labor costs for PHI maintained only in Hardcopy paper format:	\$1.00 per page (applicable for PHI maintained only in paper form and the Individual requests a paper copy of the PHI). The \$1.00 per page fee includes the cost of supplies and labor.
Mail/Delivery Charge:	Actual cost

Facsimile Charge:	Actual cost
Review of Original Records:	No Charge. If an Individual requests to review his/her original records, it shall be scheduled for the reasonable convenience of both the Individual and records custodian. The records custodian shall remain with the records while they are being reviewed in order to preserve the integrity of the original records.
Summary or Explanation of PHI, in lieu of providing copies to the Individual's actual records	Determined on case by case basis. Shall be agreed to beforehand by the requester. See 45 CFR 164.524(c)(2)(iii).

Particular Requests and Requirements for Medical Records Charges: Full or partial prepayment may be required of any requester before records will be prepared/released.

IV. Applicability: All HHSC Facilities including corporate office.

V. Authority: 45 C.F.R. § 164.524; 78 Federal Register 5565 (Jan. 25, 2013), Office for Civil Rights, Individuals' Right under HIPAA to Access their Health Information 45 CFR § 164.524, *available at* <http://www.hhs.gov/hipaa/for-professionals/privacy/guidance/access/#newlyreleasedfaqs>.

VI. Attachments: N/A