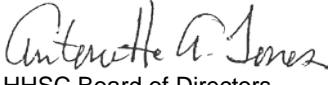
 <p><b>HAWAII HEALTH SYSTEMS</b> C O R P O R A T I O N "Quality Healthcare For All"</p> <p><b>POLICY</b></p>	<p><b>Department:</b> Corporate Legal</p>	<p><b>Policy No.:</b> <b>ADM 0038A</b> (formerly ADM 0001A)</p>
	<p><b>Issued by:</b> General Counsel</p>	<p><b>Revision No.:</b> 4</p>
<p>Subject:</p> <p><b>RECORDS RELEASE AND SCHEDULE OF CHARGES</b></p>	<p><b>Approved by:</b>  HHSC Board of Directors By: Antonette Torres Its: Secretary/Treasurer</p>	<p><b>Effective Date:</b> July 18, 2016</p>
		<p><b>Supersedes Policy:</b> October 17, 2013</p>
		<p><b>Page:</b> 1 of 4</p>

Last Review: June 30, 2016; Next Review: June 30, 2018

**I. PURPOSE:** This policy describes procedures for release of records (other than the release of medical records and protected health information pursuant to a request from an Individual in accordance with the HIPAA Rules) and provides a schedule of associated charges. Where an HHSC facility or region has more specific policies and procedures governing the release or duplication of a particular type of record that do not conflict with this policy, the more specific shall control.

**II. DEFINITIONS:**

"Personal Record" – Any item, collection or grouping of information about an individual that is maintained by HHSC. It includes, but is not limited to, the individual's education, financial, medical or employment history, or items that contain or make reference to the individual's name, identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. For purposes of this policy, an individual's medical records at an HHSC facility are considered a type of "Personal Record."

**III. POLICY:**

A. Release of Records

1. Medical Records and other Protected Health Information: Specific requirements and procedures pertaining to disclosure of medical records and other protected health information are not contained in this policy, except as to charges for duplication which are set forth in section III.B.1. below. Refer to other HHSC policies on these topics and Hawaii Revised Statutes Section 622-57.
2. Release of Government Records under UIPA: HHSC is subject to the Uniform Information Practices Act ("UIPA"), Hawaii Revised Statutes Chapter 92F, with additional exceptions to disclosure as set forth in HRS Chapter 323F-6. The general rule is that HHSC's documents, records, computer files, pictures, and any recordable information are subject to public scrutiny.
  - a. General exceptions to disclosure include:
    - (1) Where disclosure would frustrate a legitimate government function;
    - (2) Where disclosure would constitute a clearly unwarranted invasion of personal privacy, i.e. the individual's privacy interest outweighs the public interest in disclosure;
    - (3) Applications for credentials or staff privileges, records of peer review proceedings, and medical records;

- (4) Marketing strategies, strategic plans, evaluations, assessments, negotiations, or rates and charges, the disclosure of which would raise the costs of procurement or give a manifestly unfair advantage to any competitor or to any person or entity seeking to do business or proposing to enter into an agreement with HHSC or a facility; and
  - (5) Where disclosure is prohibited by law.
- b. Where there is a question as to disclosure of a government record under UIPA, the facility or corporate communications and public affairs officer should be consulted, who may decide to consult with legal counsel. Where there is a claim of confidentiality, the issue may be submitted to the Office of Information Practices for resolution, in accordance with Chapter 92F.
  - c. All UIPA requests seeking information considered potentially sensitive to disclosure by the records custodian (even where it is clear that disclosure is required) should be coordinated with the communications and public affairs officer.
  - d. Prompt response to requests for disclosure of government records is required by HRS Chapter 92F. Please review HRS Chapter 92F-23 and Hawaii Administrative Rules, Title 2, subtitle 7, chapter 71, for further instructions on proper processing.

**B. Charges for Release of Records**

- 1. Personal Records, Medical Records and other Protected Health Information requested by a third party on its own behalf with an Individual's authorization or by a *subpoena* (charges in the following chart are based on approximate aggregate associated costs):

Search and Segregation Fee:	\$20
Copying/Duplication Charges:	<p>\$1 to \$2 per page (paper)          \$10 per page (color copy)          \$2 per page (microfilm)</p> <p>\$20 per thumb drive (if available)*          \$15 per CD (if available)*          *Direct transfer of records from Electronic Medical Record system to thumb drive/CD, only. Paper records will not be converted into electronic form.</p> <p>(Waived for requests from healthcare providers for purpose of continued care)</p>
Birth Verification Charge:	\$5 (>30 days after birth)
Mail/Delivery Charge:	Actual cost plus \$1.00 handling fee.
Facsimile Charge:	<p>\$1 per page (inter-island)          \$2 per page (mainland US)          \$3 per page (international)</p>
Review of Original Records:	Where a requester asks permission to review the original document, it shall be scheduled for the reasonable convenience of the records custodian. The records custodian shall remain with the records while they are being reviewed in order to preserve the integrity of our original

	records. A fee of \$20/hour shall apply.
Summary or Explanation of Protected Health Information, in lieu of access to individual's own record	Determined on case by case basis. Must be agreed to beforehand by the requester. See 45 CFR 164.524(c)(2)(iii).

a. Particular Requests and Requirements for Medical Records Charges:

- (1) Contract Rate: If the requester has a contract or agreement with HHSC establishing fees for medical records requests, those fees shall apply to the extent they conflict with the chart above. Examples include Social Security, CMS, PRO, QIO, Hawaii DHRD.
- (2) Attorneys: A Pre-Payment Letter will be faxed to a requesting attorney upon completion of requested copying/duplication. Upon receipt of payment, the records will be released immediately.
- (3) Full or partial prepayment may be required of any requester before records will be prepared/released.

2. Release of Records not Covered in Section 1:

Search and Segregation Fees (Maximum Charges per Hawaii Administrative Rules 2-71-19 and 2-71-31)	1. Labor costs of \$10 per hour (in 15 minute intervals) to search for the record; plus 2. Labor costs of \$20 per hour (in 15 minute intervals) for segregating and redacting the non-disclosable portions of the record. (The first \$30 of the above charges shall not be assessed.) 3. Actual charges, if a non-employee assists in searching for the record.
Copying/Duplication:	\$1 per page (paper) \$10 per page (color copies)* \$2 per page (microfilm)
Mail/Delivery Charge:	Actual cost plus \$1.00* handling fee.
Review of Original Records:	Where a requester asks permission to review the original document, it shall be scheduled for the reasonable convenience of the records custodian. The records custodian shall remain with the records while they are being reviewed in order to preserve the integrity of our original records. A fee of \$20/hour* shall apply.
The facility may request one-half advance payment of estimated search and segregation fees and full payment of other estimated charges prior to disclosure. HAR 2-71-19.	
The facility shall waive \$60 of the fees pertaining to formal requests when the request contains a statement of facts including the identity of the requester and it is in the public's interest to waive the fees. HAR 2-71-32.	

*\*\* indicates charges which are based on approximate aggregate associated costs. All other charges in the above chart are statutory or rule-based.*

**IV. Applicability:** All HHSC Facilities including corporate office.

**V. Authority:** **Act 73 (June 20, 2016)**, Hawaii Revised Statutes (HRS) Chapter 92F; HRS § 323F-6; HRS § 622-57; HRS § 624-25.5; Hawaii Administrative Rules (HAR) Chapter 2-71; HAR § 2-71-13; HAR § 2-71-19; HAR § 2-71-31; HAR § 2-71-32; HRS § 92-21; 45 CFR § 164.524.

**VI. Attachments:** N/A