



# HIPPA

RIGHTS OF THE CONSUMER

# POLICY #1: CONSUMERS HAVE THE RIGHT TO ACCESS THEIR PROTECTED HEALTH INFORMATION

- SYNOPSIS: PROVIDERS MUST HAVE POLICIES AND PROCEDURES TO ENSURE ALL CONSUMERS HAVE THE RIGHT TO ACCESS, INSPECT, AND COPY THEIR PROTECTED HEALTH INFORMATION (PHI).
- COLUMBIA COUNTY HHS HONORS A CONSUMER'S RIGHT TO ACCESS ALL OF THEIR PHI EXCEPT:
  - PSYCHOTHERAPY NOTES
  - INFORMATION COMPILED IN ANTICIPATION OF A CIVIL, CRIMINAL OR ADMINISTRATIVE ACTION
  - PHI SUBJECT TO THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS (CLIA) OF 1988
  - PHI EXEMPT FROM CLIA PURSUANT TO LAW

# POLICY #2: HOW COLUMBIA COUNTY USES AND SHARES MEDICAL INFORMATION

- COLUMBIA COUNTY HHS USES HEALTH INFORMATION FROM CONSUMERS' MEDICAL RECORDS TO PROVIDE TREATMENT, ARRANGE FOR PAYMENT, AND FOR HEALTH CARE OPERATIONS.
- THE LAW ALLOWS COLUMBIA COUNTY HHS TO SHARE PHI WITHOUT CONSUMER AUTHORIZATION AS REQUIRED BY LAW FOR:
  - LEGAL PROCEEDINGS; HEALTH OVERSIGHT ACTIVITIES; DEATH RECORDS; ORGAN DONATION; RESEARCH; HEALTH AND SAFETY THREATS; MILITARY AND NATIONAL SECURITY; WORKER'S COMPENSATION; OTHERS INVOLVED IN A CONSUMER'S CARE OR PAYMENT FOR IT; STATUTORY EXCEPTIONS

# POLICY #3: REVIEW AND RESOLUTION OF HIPAA RELATED COMPLAINTS

- COLUMBIA COUNTY HHS ENSURES WE HAVE A DOCUMENTED COMPLAINT PROCESS REGARDING THE USE AND/OR DISCLOSURE OF PHI AND THAT IT IS AVAILABLE TO CONSUMERS AND/OR THEIR REPRESENTATIVE.
- A CONSUMER MAY CALL, WRITE OR PRESENT AT THE AGENCY TO FILE A HIPAA COMPLAINT, WHICH MUST BE DOCUMENTED AND FORWARDED TO THE AGENCY'S HIPAA PRIVACY OFFICER (GRETCHEN HALVORSEN)
- THE COMPLAINT WILL BE REVIEWED AND INVESTIGATED
- A WRITTEN RESPONSE WILL BE PROVIDED TO THE CONSUMER WITHIN 30 DAYS
- A WRITTEN SUMMARY OF THE COMPLAINT AND ACTION TAKEN WILL BE DOCUMENTED AND RETAINED FOR 6 YEARS

# POLICY #4: CONSUMERS HAVE A RIGHT TO REQUEST AN AMENDMENT OF THEIR RECORD

- COLUMBIA COUNTY HHS MUST HAVE POLICIES AND PROCEDURES TO ENSURE THE CONSUMER'S RIGHT TO NOT ONLY ACCESS THEIR PHI BUT AMEND IT.
- CONSUMERS MUST MAKE THEIR REQUESTS TO AMEND THEIR RECORDS IN WRITING TO THE HIPAA PRIVACY OFFICER (GRETCHEN HALVORSEN) WHO HAS 30 DAYS TO REVIEW THE REQUEST AND IF APPROVED WILL BECOME PART OF THE CONSUMER'S RECORD
- IF THE REQUEST IS DENIED, IT MUST BE PUT IN WRITING AND GIVEN TO THE CONSUMER, AND THE DENIAL BECOMES PART OF THE RECORD. A CONSUMER MAY DISPUTE A DENIAL.
- APPROVED REQUESTS MUST BE IN WRITING AND GIVEN TO THE CONSUMER, AND THE APPROVAL BECOMES PART OF THE RECORD. THE INCORRECT INFORMATION MUST BE CORRECTED IN THE RECORD AS SOON AS IS REASONABLY POSSIBLE

# POLICY #5: HOW COLUMBIA COUNTY HHS WILL DISCLOSE PHI TO A CONSUMER'S PERSONAL REPRESENTATIVE

- DEFINITION OF PERSONAL REPRESENTATIVE: A PERSON AUTHORIZED UNDER LAW TO ACT ON BEHALF OF A CONSUMER IN MAKING HEALTH CARE DECISIONS. EXAMPLES OF COMMON PERSONAL REPRESENTATIVES INCLUDE HEALTH CARE POWER OF ATTORNEY AGENTS AND GUARDIANS OF THE CONSUMER.
- UNDER CERTAIN CIRCUMSTANCES, COLUMBIA COUNTY HHS MAY DISCLOSE PHI TO FAMILY MEMBERS, PERSONAL REPRESENTATIVES, AND OTHER PERSONS RESPONSIBLE FOR THE CARE OF A CONSUMER
- STAFF MUST TREAT A PERSONAL REPRESENTATIVE AS THE INDIVIDUAL SUBJECT TO THE PHI, HOWEVER, IN THE EXERCISE OF PROFESSIONAL JUDGMENT, HHS MAY DECIDE NOT TO TREAT THE PERSON AS THE CONSUMER'S PERSONAL REPRESENTATIVE IF THEY FEEL THE CONSUMER MAY BE SUBJECTED TO VIOLENCE, ABUSE OR NEGLECT BY THE PERSONAL REPRESENTATIVE

# POLICY #6: CONSUMERS HAVE THE RIGHT TO REQUEST RESTRICTIONS ON CERTAIN USES AND DISCLOSURES OF THEIR PHI

- COLUMBIA COUNTY HHS WILL HAVE P&P THAT ENSURES THAT STAFF UNDERSTAND THAT CONSUMER'S HAVE THE RIGHT TO REQUEST RESTRICTIONS ON THE USE OR DISCLOSURE OF THEIR PHI.
- COLUMBIA COUNTY HHS RECOGNIZES CONSUMERS MAY REQUEST RESTRICTIONS ON USE AND DISCLOSURE OF THEIR PHI HOWEVER HHS IS NOT REQUIRED TO AGREE TO THE RESTRICTION
- COLUMBIA COUNTY HHS WILL DOCUMENT ANY RESTRICTIONS IN THE CONSUMER'S MEDICAL RECORD AND HIGHLIGHT THEM OR NOTATE THEM IN AN ELECTRONIC RECORD, AND RETAIN THEM FOR 6 YEARS FROM THE START OF THE RESTRICTION

# POLICY #7: ACKNOWLEDGEMENT OF RECEIPT OF PRIVACY PRACTICES REGARDING HEALTH INFORMATION, AND, RELEASES OF INFORMATION

- COLUMBIA COUNTY HHS IS REQUIRED TO MAINTAIN THE PRIVACY OF PHI AND THE AGENCY IS REQUIRED TO NOTIFY CONSUMERS ABOUT HOW INFORMATION MAY BE USED, DISCLOSED, AND ACCESSED.
- STAFF MUST MAKE CONSUMERS AWARE OF THEIR PRIVACY RIGHTS, HOW PHI CAN BE USED, AND HOW THEY CAN ACCESS THEIR RECORDS THROUGH THE USE OF THE AGENCY'S ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF PRIVACY PRACTICES REGARDING HEALTH INFORMATION FORM, AND THE AUTHORIZATION FOR DISCLOSURE OF INFORMATION FORM.