



916 South 3rd Street
Mt. Vernon, WA 98273-4324
Voice: (360) 336-5658
Fax: (360) 336-5655
www.skagitfamilyhealth.com

ACCESS TO PROTECTED HEALTH INFORMATION POLICY
of
SKAGIT FAMILY HEALTH CLINIC

- It is our policy to provide individuals or their personal representatives¹ with access to protected health information (PHI) in accordance with 45 CFR 164.524. A copy of 45 CFR 164.524 is attached hereto for reference.
- Individuals may access their PHI by contacting this office at Skagit Family Health Clinic, 916 S. 3rd Street, Mount Vernon, WA 98273. (360)336-5658.
- Requests for access to PHI must be submitted in writing, provided that this office informs the individual of this requirement in advance, such as in our Notice of Privacy Practices.
- This office may charge a reasonable cost based fee for providing these records. The fees will only include the cost of supplies for and labor of copying, postage if the individual has requested that the information be mailed, and costs for preparing an explanation or summary of the information if agreed to by the individual. See 45 CFR 164.524(c)(4).
- This office will provide the individual with access to the PHI in the form or format requested by the individual if it is readily producible in such form or format; or, if not, in a readable hard copy form or such other form as agreed to by both parties. See 45 CFR 164.524(c)(2).
- All PHI we maintain in our designated record set (which includes at a minimum medical records and billing records) for the individual, regardless of whether the PHI was created by another health care provider, is subject to the individual's right of access (obtain a copy or to inspect), under 45 CFR 164.524.
- This office typically takes between 7-14 calendar days to respond to a request for access. We can take up to 30 calendar days to respond to the request for access to PHI. If we need additional time beyond 30 days, we will notify the requester in writing of the extra time needed (up to no more than an additional 30 days) within the first 30 days in accordance with 45 CFR 164.524(b)(2).
- Any denial of access to PHI by this office will be in writing and provided to the requester pursuant to 45 CFR 164.524(a)(1)-(4) and (d). If access is denied for any of the following reasons, the requester must be informed in writing of the right to have the denial reviewed in accordance with 45 CFR 164.524(a)(3)-(4) and (d)(4):
 1. a licensed health care provider has determined that the access is likely to endanger the life or physical safety of the requesting individual or another person;
 2. the requested PHI references another person who is not a health care professional, and a licensed health care provider has determined that the requested access is likely to cause substantial harm to such other person; or
 3. the request for access was made by an individual's personal representative and a licensed health care provider has determined that providing the access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

¹ See next page for policy on Personal Representatives, including regarding parents of minors.



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PERSONAL REPRESENTATIVES POLICIES of SKAGIT FAMILY HEALTH CLINIC

Personal Representatives. As required by the Privacy Rule, our practice will treat a "*personal representative*" the same as the individual, with respect to uses and disclosures of the individual's protected health information (PHI), as well as the individual's rights under the Rule (such as the right of access (inspect or obtain a copy), the right to request an amendment, the right to request restrictions on disclosures, the right to request confidential communications and the right to request an accounting of certain types of disclosures). A personal representative is a person legally authorized to make health care decisions on an individual's behalf or to act for a deceased individual or the estate. However, as permitted by the Privacy Rule, if we have a reasonable belief that the personal representative may be abusing or neglecting the individual, or that treating the person as the personal representative could otherwise endanger the individual, we will not treat the person as the personal representative.

Special Case: Minors. In most cases, parents are the personal representatives for their minor children under the Privacy Rule. Therefore, in most cases, parents can exercise individual rights, such as access to the medical record, on behalf of their minor children. The Privacy Rule defers to State or other applicable laws that address the ability of a parent, guardian, or other person acting in loco parentis (collectively, "parent") to obtain health information about a minor child. In most cases under the Privacy Rule, the parent is the personal representative of the minor child and can exercise the minor's rights with respect to protected health information, because the parent usually has the authority to make health care decisions about his or her minor child.

Regardless of whether a parent is the personal representative, our practice is permitted or required to disclose to a parent, or provide the parent with access to, a minor child's protected health information when and to the extent it is expressly permitted or required by State or other laws (including relevant case law). Likewise, our practice will not disclose a minor child's protected health information to a parent, or provide a parent with access to, such information when and to the extent it is expressly prohibited under State or other laws (including relevant case law).

The Privacy Rule specifies three circumstances in which the parent is not the "personal representative" with respect to certain health information about his or her minor child. These exceptions generally track the ability of certain minors to obtain specified health care without parental consent under State or other laws, or standards of professional practice. In these situations, the parent does not control the minor's health care decisions, and thus under the Rule, does not control the protected health information related to that care. The three exceptional circumstances when a parent is not the minor's personal representative are:

- When State or other law does not require the consent of a parent or other person before a minor can obtain a particular health care service, and the minor consents to the health care service; Example: A State law provides an adolescent the right to obtain mental health treatment without the consent of his or her parent, and the adolescent consents to such treatment without the parent's consent.
- When a court determines or other law authorizes someone other than the parent to make treatment decisions for a minor; Example: A court may grant authority to make health care decisions for the minor to an adult other than the parent, to the minor, or the court
- When a parent agrees to a confidential relationship between the minor and the physician. Example: A physician asks the parent of a 16-year-old if the physician can talk with the child confidentially about a medical condition and the parent agrees.



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Even in these exceptional circumstances, where the parent is not the “personal representative” of the minor, the Privacy Rule defers to State or other laws that require, permit, or prohibit the covered entity to disclose to a parent, or provide the parent access to, a minor child’s protected health information. If State or other law is silent or unclear concerning parental access to the minor’s protected health information, pursuant to the Privacy Rule a licensed health care professional in the exercise of professional judgment of our practice will exercise his/her discretion on whether to provide or deny a parent with access to the minor’s health information, if doing so is consistent with State or other applicable law.