

## POLICIES AND PROCEDURE MANUAL

<b>Chapter:</b>	<b>Compliance</b>		
<b>Title:</b>	<b>Member Rights Requests</b>		
<b>Policy:</b> <input type="checkbox"/> <b>Procedure:</b> <input checked="" type="checkbox"/> <b>Page:</b> 1 of 3	<b>Review Cycle:</b> Biennial  <b>Author:</b> Chief Compliance and Quality Officer	<b>Adopted Date:</b> 11.07.2023  <b>Review Date:</b>	<b>Related Policies:</b> Confidentiality and Notice of Privacy

### **Purpose**

The Mid-State Health Network (MSHN) Member Rights Requests Procedure defines the process by which beneficiaries have access to inspect and obtain a copy of protected health information (PHI) about the individual in a designated record set for as long as the PHI is maintained in the designated record set.

### **Procedure**

The following process will be followed in accordance with the MSHN Privacy Notice.

#### **Timely Action for Access to PHI:**

1. A request for access by an individual to PHI must be acted on no later than 30 days after receipt of the request.
  - a. If the request is granted, in whole or in part:
    - i. Access must be provided, including inspection or obtaining a copy, or both, of the PHI.
    - ii. Access must be provided in the form and format requested by the individual if it is readily producible in such form and format.
  - b. If the request is denied, in whole or in part:
    - i. A written denial must be provided to the individual that includes the basis for the denial, a statement of the individual's review rights, and a description of how the individual may file a complaint.
    - ii. A licensed health care professional, who was not involved in the denial, will review the decision to deny access.
2. Exceptions: The following are not required to be disclosed under right of access.
  - a. Psychotherapy notes.
  - b. Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.
3. Grounds for denial: A covered entity may deny an individual access, provided that the individual is given a right to have such denials reviewed.
  - a. A licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person.
  - b. The protected health information makes reference to another person (unless such other person is a health care provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person.

#### **Right to Amend PHI:**

1. An individual has the right to amend PHI or a record about the individual in a designated record set.
  - a. If the request is granted, in whole or in part:
    - i. The request must be acted on no later than 60 days after receipt of a request.
  - b. If the request is denied, in whole or in part:
    - i. The individual must be provided a timely, written denial, using plain language and contain the basis for the denial, the individual's right to submit a written statement disagreeing with the denial, how the individual may file such a statement and how the individual may file a complaint.

**Accounting of Disclosures**

1. An individual has the right to receive an accounting of disclosures of PHI made during the last 6 years prior to the date on which the accounting was requested.
2. Exceptions to providing a disclosure include those related to:
  - a. Treatment, payment, and health care operations/coordination of care.
  - b. To correctional institutions or law enforcement officials.
  - c. Disclosures that occurred prior to the compliance date.
  - d. National security or intelligence purposes.
3. Content of Accounting of Disclosures:
  - a. The date of the disclosure.
  - b. The name of the entity or person who received the PHI and if known, the address of the entity or person.
  - c. Description of the purpose of the disclosure that informs the individual of the basis for the disclosure.
  - d. If there have been multiple disclosures to the same person or entity during the period covered by the accounting, the accounting may provide:
    - i. The frequency, periodicity, or number of the disclosures made during the accounting period.
    - ii. The date of the last such disclosure during the accounting period.

**Documentation of Request for Disclosures**

1. The PIHP or Provider Network member must document the following information within the requesting individuals record regarding an accounting of disclosures.
  - a. The date of the request.
  - b. A copy of the request or written summary of the request.
  - c. The written accounting that is provided to the individual.
  - d. The titles of the persons or offices responsible for receiving and processing requests for an accounting by individuals.
  - e. Date of completion of the request and confirmation the individual was notified (such as mailed notices, copies of documentation, etc.)
  - f. Updates made to the health information system to notate any implemented requested changes (record modifications, etc.).
  - g. Notification of appropriate individuals (e.g., staff members, providers), as necessary.

**Applies to:**

- All Mid-State Health Network Staff  
 Selected MSHN Staff, as follows:  
 MSHN's CMHSP Participants:  Policy Only     Policy and Procedure  
 Other: Sub-contract Providers

**Definitions:**

MSHN: Mid-State Health Network

PHI: Protected Health Information

PIHP: Prepaid Inpatient Health Plan

**Other Related Materials:**

MSHN Privacy Notice

**References/Legal Authority:**

1. 42 CFR 438.224
2. 45 CFR 164.502(a) (1)
3. 45 CFR 164.502 (a) (2-4)
4. 45 CFR 164.502 (b)
5. 45 CFR 164.502 (b) (2)

6. 45 CFR §164.508(a)(1)
7. 45 CFR §164.508(b)(1-6)
8. 45 CFR §164.508(c)(1-4)
9. 45 CFR 164.522
10. 45 CFR 164.524
11. 45 CFR 164.526
12. 45 CFR 164.528
13. State of Michigan/PIHP Contract: Schedule A: Statement of Work Contract Activities: Q. Observance of State and Federal Laws: 4. Confidentiality; and 9. Health Insurance Portability and Accountability Act and 42 CFR Part 2

**Change Log:**

<b>Date of Change</b>	<b>Description of Change</b>	<b>Responsible Party</b>
08.2023	New Procedure	Chief Compliance and Quality Officer