

# Vermont Psychiatric Care Hospital Procedure

## Medical Records: Access by the Patient/Acquiring a Copy

Revised: X

Date: 04/07/14

### 1. Review of medical record for patients currently hospitalized

- a. Patient requests to review their medical record must be referred to their treating physician. The patient shall initiate VPCH Form LG-10-06, Request for Access to Designated Record Set, and forward to their physician for action.
- b. The patient's treating physician must write an order authorizing the record review, indicating whether any part of the record is to be withheld from review pursuant to section (4) below, and indicating how the review is to be accommodated.
- c. Patient reviewing their current medical record must be accompanied by staff at all times to ensure that any questions are addressed and to ensure that the record is not defaced in any way.

### 2. Obtaining a copy of a patient medical record

- a. Prior to verifying that a patient is or was a patient at the Vermont Psychiatric Care Hospital (VPCH), and prior to providing copied materials from a medical record, a dated and signed release must be received by Medical Records at VPCH, from the current or previously hospitalized individual, authorizing release of information to the person or entity requesting the information. The only exception is if the patient is being treated at a medical or correctional facility and is either refusing to sign or is incapacitated and unable to sign, or upon receipt of a subpoena/court order.
- b. To receive a copy of his/her medical record, a current patient, or an individual previously hospitalized at VPCH, must provide a signed release (VPCH HIPAA Form LG-04-1 0, Authorization to Disclose Health Information, or its equivalent) to VPCH Medical Records. A copy of this form may be requested from Medical Records at VPCH in person, by fax, email, or regular mail. A photocopied release form is acceptable.
- c. A Probate Court Certificate of Appointment is an acceptable alternative to the HIPAA form identified in item b above.
- d. Current patient release forms are filed in that patient's medical record on the unit. Previously hospitalized individuals' release forms are filed in the final section of that person's repository chart in Medical Records.
- e. Requested documentation may be faxed to a secure fax machine, or sent by regular mail, as specified on the request. If providing by regular mail, a form letter will be included; if via fax, a cover sheet will be included, noting what documentation was sent, along with a Medical Records invoice if the photocopying exceeds 25 pages.
- f. If the medical record requested must be obtained from microfiche, the requestor will be charged at the rate established by the Vermont Secretary of State.
- g. Each person, whether currently or previously hospitalized, who requests a copy of his/her medical record, may receive one copy of his or her record each year at no charge.

**3. Obtaining a copy of a deceased patient's medical record**

- a. The person(s) requesting a copy of the deceased individual's medical records shall provide proof that they are next of kin. Requests shall be forwarded to the DMH Legal Department for verification and approval. If approved, medical records will be copied according to the above procedures.
- b. If the Legal Department determines that the individual requesting copies is not the next of kin, or more documentation is required, the request will be returned to the requestor with an explanation as to why the records were not copied.

**4. Denying Access to any part of the medical record.**

- a. The hospital may deny a patient's request for access to his/her record only if:
  - i. Such access would jeopardize the health or security of the individual, another patient, or employees of the hospital.
  - ii. The information is about another person (other than a health care provider) and the hospital determines that the patient inspection is reasonably likely to cause sufficient harm to that person to warrant withholding
  - iii. The attending physician has determined that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person.
  - iv. The information contains data obtained under a promise of confidentiality (from someone other than a health care provider), and the inspection could reasonably reveal the source.
- b. The hospital may not deny access except to a portion of the record that meets criteria specified above. In these cases, the hospital may decide to withhold portions of the record; however to the extent possible, the patient should be given as much information as possible.

Approved by	Signature	Date
Frank Reed, Commissioner of DMH		11/29/16