

<b>River Valley Therapeutic Residence Policy and Procedure</b>		
<b>Medical Record Resident Access, Adding Comment and Requiring a Copy</b>		
Effective: 5/22/2023	Revised:	Due to Review: 5/22/2025

## **POLICY**

River Valley Therapeutic Residence (RVTR) residents have the right to review information contained in their medical records within a reasonable timeframe, upon their request, unless there is a valid exception. RVTR must not frustrate the legitimate efforts of individuals to gain access to their own medical records and must actively seek to meet these requests as quickly as its records keeping system permits.

## **PROCEDURE**

### Review of medical record for residents currently at RVTR

- Resident's requests to review their medical record must be referred to their treating physician. The resident shall initiate an RVTR Form, Request to Review my Medical Record, and present to their physician for action.
- The resident's treating physician shall write and order authorizing the record review and indicating how the review is to be accommodated.
- Residents reviewing their current medical record shall always be accompanied by staff to address questions and to ensure that the record is not defaced in any way.

### Denying Access to any part of the medical record (45 CFR 164.524(a)(3))

- RVTR may deny a resident's request for access to their record only if:
  - Such access would jeopardize the health or security of the individual, another resident, or employees of the hospital.
  - The information is about another person (other than a health care provider) and RVTR determines that the resident inspection is reasonably likely to cause sufficient harm to that person to warrant withholding.
  - 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.
  - 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.

- RVTR may not deny access except to a portion of the record that meets criteria specified above. In these cases RVTR may decide to withhold portions of the record; however, to the extent possible, the resident should be given as much information as possible.
- If the treating physician determines there is a need to withhold part of the record, they shall discuss their concerns with DMH General Counsel. Should the decision be made in consultation with DMH General Counsel to deny a portion of the record, the physician shall document the reason why in the medical record.

#### Adding comments to any part of the medical record

- The resident may request to add comments to their medical record. The resident shall initiate RVTR Form, Resident Request to Add Written Comment to the Medical Record, and forward to their physician for action.
- The resident's treating physician must review the comments and write an order authorizing the information to be added to the medical record. The information should then be given to Medical Records to be added to the resident's medical record.
- The resident's treating physician can deny a resident's request by annotating why the request has been denied on the RVTR Form, Resident Request to Add Written Comment to the Medical Record.
- Whether approved or denied, the completed request form shall be placed in the resident's medical record.

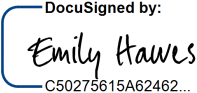
#### Obtaining a copy of a resident medical record

- Requests for copies should be processed within 30 days or less. If a release is questionable, it must be forwarded to the DMH General Counsel for review and guidance.
- Prior to verifying that a resident is or was a resident at RVTR, and prior to providing copied materials from a medical record, a dated and signed release must be received by Medical Records, from the current or previous individual, authorizing release of information to the person or entity requesting the information. The only exception is if the resident 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.

- To receive a copy of their medical record, a current resident, or an individual previously residing at RVTR, must provide a signed release (RVTR HIPAA Form, Authorization to Disclose Health Information, or its equivalent) to RVTR. A copy of this form may be requested from RVTR in person, by fax, email, or regular mail. A photocopied release form is acceptable.
- A Probate Court Certificate of Appointment for full guardianship is an acceptable alternative to the HIPAA form identified above.
- Current resident release forms must be filed in that resident’s medical record. Previous resident’s release forms are filed in the final section of that person's repository chart in Medical Records.
- 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 shall be included; if via fax, a cover sheet shall be included, noting what documentation was sent, along with an invoice if the photocopying exceeds 25 pages.
- Each person, whether currently or previously admitted, who requests a copy of their medical record, may receive one copy each year at no charge.

Obtaining a copy of a deceased resident’s medical record

- The person(s) requesting a copy of the deceased individual's medical records shall provide proof that they are able to have legal access to that information. Requests shall be forwarded to DMH General Counsel for verification and approval. If approved, medical records shall be copied according to the above procedure.
- If the General Counsel determines that the individual requesting copies is not legally entitled, or more documentation is required, the request shall be returned to the requestor with an explanation as to why the records were not copied.

Approved by	Signature	Date
Emily Hawes Commissioner Vermont Department of Mental Health		5/23/2023