Title | Patients’ Right to Access Their Protected Health Information in a Designated Record Set  
---|---  
Policy Owner and Contact Information | Office of Healthcare Compliance and Privacy, privacyoffice@uchc.edu  
Health Information Management  
Campus Applicability | UConn Health  
Applies to | All UConn Health workforce members responding to a patient request for access to their Protected Health Information in a Designated Record Set pursuant to 45 C.F.R. 164.524. This policy does not apply to patients accessing their health information through a UConn Health patient portal (e.g., MyChart).  
Effective Date | 1/29/2021  

**PURPOSE:**  
To comply with certain individual rights provisions of the Health Insurance Portability and Accountability Act of 1996 and the associated regulations (HIPAA), the Health Information Technology for Economic and Clinical Health Act (HITECH), and other applicable regulations regarding individuals’ access to their Protected Health Information (PHI) in a Designated Record Set (DRS).

**POLICY STATEMENT:**  
UConn Health provides individuals a right to inspect and/or obtain copies of their PHI contained in a DRS to the extent required by law.

UConn Health Workforce members who are patients of UConn Health have the same rights of access as patients who are not Workforce members. UConn Health Workforce members are prohibited from accessing their own medical record using their work-related access to the electronic health record.

UConn Health provides individuals with access to their PHI in a DRS in the form or format requested, if readily producible in that form and format, or if not, in a readable hard copy form or other form and format as agreed to by UConn Health and the individual. With respect to PHI that is part of a DRS and maintained in electronic format, individuals have a right to receive an electronic copy.

Individuals may inspect and/or obtain copies of their PHI upon verbal or written request. Verbal requests must ultimately be made in writing.

With respect to PHI that is part of a DRS and is maintained in an electronic health record, individuals have a right to direct UConn Health to transmit an electronic copy of such PHI to a designated person or entity of the individual’s choice. Such requests must be in writing, signed by the individual, and clearly identify the designated person or entity and where to send the PHI.
UConn Health may deny an individual access only as permitted by law and, in certain circumstances, must allow individuals to have such denial reviewed.

Individuals do not have a right to access PHI in a DRS that includes, but is not limited to, psychotherapy notes and information compiled in reasonable anticipation of or for use in a civil, criminal or administrative action or proceeding or pending litigation.

DEFINITIONS:
Privacy Definitions

PROCEDURES/FORMS:
Procedures for 2020-11 Patients’ Right to Access Their Protected Health Information
HCH551: Authorization to Obtain and/or Disclose Health Information

REFERENCES:
45 C.F.R. § 164.524 (HIPAA Privacy Rule)
Connecticut General Statutes §§ 20-7c and 4-104
42 C.F.R. § 482.13(d)(2) (Medicare Condition of Participation: Patient’s Rights)

RELATED POLICIES:
Policy #2003-16 Authorization for Release of Information
Policy #2012-06 Designated Record Set
Policy #2012-05 Legal Representative for Health Care Decisions

ENFORCEMENT:
Violations of this policy or associated procedures may result in appropriate disciplinary measures in accordance with University By-Laws, General Rules of Conduct for All University Employees, applicable collective bargaining agreements, the University of Connecticut Student Code, other applicable University Policies, or as outlined in any procedures document related to this policy.

APPROVAL:

Andrew Agwunobi (Signed) 1/29/2021
UConn Health Chief Executive Officer

Kiki Nissen (Signed) 1/28/2021
Administrative Policy Committee Vice-Chair

Janel Simpson (Signed) 1/28/2021
Administrative Policy Committee Chair
POLICY HISTORY:
Replaces Portions of Policy # 2003-17 on 04/12/11
Revised: 9/17/13, 1/14/14, 7/8/14, 1/29/21
Combines Policies: 2003-17-A Patient Right to View His/Her Medical/Dental/Research and/or Billing Record AND 2003-17-B Patient Right to Request Copies Of His/Her Medical/ Dental/Research and/or Billing Record to create this one policy.