



Administrative Policy

2020-11 Patients' Right to Access Their Protected Health Information in a Designated Record Set

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](#)

[HCH 2710 Patient Request to Access Medical Records](#)

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) _____
UConn Health Chief Executive Officer

1/29/2021 _____

Kiki Nissen (Signed) _____
Administrative Policy Committee Vice-Chair

1/28/2021 _____

Janel Simpson (Signed) _____
Administrative Policy Committee Chair

1/28/2021 _____

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.