Patient Records Request Flowchart

RECEIVE RECORD REQUEST

FROM
patient/personal representative (PR) or third party?

Third Party → **IS THE THIRD PARTY ACTING UNDER THE PATIENT'S/PR'S DIRECTION?**
Call patient/PR if unsure.

Yes → **TO**
patient/PR or third party?

No → *Confirm request is on HIPAA-compliant authorization form.*

DOES IT INCLUDE 42 CFR PT. 2 INFO (SUBSTANCE USE DISORDER)?

Yes → *Confirm form complies with 42 CFR pt. 2*

No →

Patient/PR → **TO**
patient/PR or third party?

No → **DOES IT INCLUDE 42 CFR PT. 2 INFO (SUBSTANCE USE DISORDER)?**

No → *Confirm request is in writing, signed by individual, and includes name and address of third party.*

Yes → *Confirm request is on 42 a CFR pt. 2 form. Sample in App C.*

IS THERE A PERMISSIBLE BASIS FOR DENIAL UNDER HIPAA RIGHT OF ACCESS?

Yes →

No →

YOU MAY, BUT ARE NOT REQUIRED TO, DISCLOSE THE REQUESTED PHI. NO DEADLINE.

$ May charge fee schedule, even if above actual costs.

PROVIDE A PORTION OF RECORDS WITHIN 30 DAYS (30-DAY EXTENSION AVAILABLE), OR LESS IF STATE LAW REQUIRES SOONER. PROVIDE DENIAL LETTER WITH APPLICABLE APPEAL RIGHTS UNDER HIPAA AND STATE LAW FOR DENIED PORTION.

$ Charges are lesser of actual cost or state fee schedule.

PROVIDE REQUESTED RECORDS WITHIN 30 DAYS (30-DAY EXTENSION AVAILABLE), OR LESS IF STATE LAW REQUIRES SOONER.

$ Charges are lesser of actual costs or state fee schedule.