

THE COUNSELING SOURCE, INC. POLICY AND PROCEDURE

TITLE: Record Release

PURPOSE: To ensure that all requests for disclosure of Protected Health Information (PHI) are properly verified, appropriately executed, and accurately and consistently tracked within the agency's centralized Record Release Tracker database.

PROCEDURE:

1. Mental health records will be released only upon written request. While use of the agency's standard Release of Information form is preferred, any written correspondence containing the requirements for a valid authorization will be accepted. Such requirements include the following:

- a. Specific identification of the client
- b. Specific identification of TCS as the provider who will be making the disclosure
- c. Specific identification of the information to be disclosed *Note: Information pertaining to HIV status/treatment and/or Substance Abuse treatment will be excluded from the disclosure unless expressly authorized as part of the request.*
- d. The request must be in writing, signed and dated by the client or parent/guardian.

All record requests should be submitted to TCS administrative office, 10921 Reed Hartman Highway, Suite 133, Cincinnati, Ohio 45242 or directly to the treating clinician who will, in turn, forward all relevant information to the administrative office.

2. TCS representative will ensure all required components of the written request are present and the document has been signed and dated by the client or parent/guardian.

3. TCS representative will determine with reasonable certainty that the person authorizing the request, indeed, has the legal authority to do so. Achieving reasonable certainty may involve the following:

- a. When the request has been made in the presence of a TCS representative familiar with the client and/or parent/guardian, no additional verification is needed.
- b. When the request has been made via mail, fax, or email, efforts will be made by the TCS representative to ensure names and addresses are consistent with the identifying information contained in our client database.
- c. For instances in which a request has been made and the TCS representative cannot reasonably verify that the person authorizing the request retains the appropriate authority to do so, the TCS representative reserves the right to request the following:
 1. Proof of guardianship
 2. Photo identification
 3. Notarization of request

4. Once reasonable certainty of the legitimacy of the request has been achieved, the TCS representative will proceed with processing the request.
5. Only the minimum information required to meet the identified terms of the request will be disclosed.
6. Psychotherapy notes belonging to the clinician (such as those contained in the clinician's process notebook) are afforded a higher level of privacy in accordance with HIPAA and therefore will not be released unless expressly requested and appropriately authorized.
7. A cover letter or a fax cover sheet will accompany all disclosures made clearly identifying the components of the client record that are being provided in response to the request for disclosure. *Note: A cover letter is not required for records provided to the client or parent/guardian for personal use.*
8. The following priorities and time frames shall apply to requests for disclosure of PHI:
 1. Emergency requests involving emergency care of client: immediate processing.
 2. Priority requests pertaining to current care of client: within one workday.
 3. Client request for access to own record: within 15 working days.
 4. Subpoenas and depositions: as required
 5. All other requests: within 15 working days.
9. An authorization may be revoked at any time. The revocation must be made in writing and cannot be implemented retroactively.
10. If the request is processed through the agency's administrative office, a courtesy notification will be provided to the appropriate clinician when a client requests information from the mental health record, requests direct access to the complete medical record, or in the event legal action is instituted.
11. If the request is processed directly by a TCS clinician, a copy of the written request and details of the resulting disclosure must be submitted to the administrative office within 24 hours of the disclosure to the HIPAA Security Officer's attention. The HIPAA Security Officer or appointed administrative staff will log all relevant details of the request and resulting disclosure in Record Release Tracker to ensure a comprehensive and accurate accounting of all PHI released by the agency is maintained in a centralized database.
12. TCS record retention policy maintains that records will be retained for seven years. Requests for records pre-dating that time frame may be unable to be fulfilled.
13. Clients may request either paper copies or electronic versions of his/her record.
14. TCS reserves the right to charge a fee (per page) for excessive or lengthy requests.

Reviewed April 2018