

**M.U.S.C.  
HEALTH INFORMATION SERVICES**

<b>SUBJECT</b> Release of Confidential Information	<b>PAGE</b> 1 of 7	<b>POLICY NO.</b> 3
<b>EFFECTIVE DATE</b> September, 1995	<b>APPROVAL</b>	

**POLICY:**

Only designated Health Information Services' employees may release confidential information. Releasing confidential information without valid authorization (via gossip included) will be cause for dismissal on first offense. An employee does not have to release information in writing to be in violation. Confidential information is any information in the patient's medical record or about the patient's hospital stay or outpatient visits. The "Guide to the Release of Confidential Information from Medical Records" will be strictly adhered to. All Health Information Services' employees must be knowledgeable of the contents of the "Guide to the Release of Confidential Information from Medical Records."

**PROCEDURE:**

1. All requests, either written or verbal, for confidential information will be referred to the designated Health Information Services employees. Refer to the "Guide to the Release of Confidential Information from Medical Records" for details.
2. Documents which are not copied for release are: birth certificates and death certificates.
3. Any questions concerning types of information released will be referred to the Release of Information employees or manager.
4. In accordance with South Carolina law concerning adoption and records related to adoption, the staff of Health Information Services may not release any information except in response to a court order. Refer any problems to General Counsel's office.

**RATIONALE:**

To protect information which is deemed confidential from unauthorized release. This policy covers not only situations involving outside interests, but also those situations involving the use of information for hospital purposes.

## GUIDE TO THE RELEASE OF CONFIDENTIAL INFORMATION

### I. Written requests for information.

1. A signed authorization from the patient or patient's legal guardian must be presented before any information is released. The authorization should:
  - a. be addressed to the hospital
  - b. contain the name of the person on whom records are being released
  - c. contain the name of the person or company to whom the information is to be given
  - d. be dated within the last 12 months
  - e. be signed by the appropriate individual, i.e. in the case of a minor by the parent or guardian; if the patient has died by the personal representative of the estate or if there is no probate administration, by the surviving spouse or next of kin; if the patient has a physical or mental disability by the next of kin or legally appointed guardian

NOTE: A patient is not mentally incompetent unless designated as such by a court of law.

2. Information for which no authorization needed:
  - a. when required by law to furnish certain information
  - b. when directed by order of the court or subpoena or other authorized governmental bodies
  - c. abstracts, copies, and summaries may be supplied to a referring physician, physicians presently involved in the patient's care, hospitals, veteran's bureaus or similar institutions without authorization of the patient when reasonably satisfied that the request is a bona fide one to assist in the patient's care
3. If a special notation has been made in the MPI or medical record that no information is to be released, then no information of any kind is to be released without written authorization from the patient giving special instructions.

4. Members of the resident and attending staffs and other health care providers may consult such records as pertain to their work with proper identification.
5. When the record is used for research, it is not regarded as that of any individual but as a report involving the study of a disease. The health care professional requesting the records for research **MUST** present his/her M.U.S.C. picture ID before the records may be reviewed.
6. All attorneys or insurance adjusters desiring to examine a record shall be referred to Release of Information personnel.
7. The hospital may refuse to honor a request for information:
  - a. on advice of legal counsel and then allow the court to rule on the request for medical information or copy of the medical record if the hospital is not reasonably satisfied that the request is in the best interest of either the patient or hospital,
  - b. if there is reasonable doubt as to the identity of the person presenting the authorization,
  - c. if there is evidence that the party requesting the information is not identical to the party named in the authorization,
  - d. if there is evidence that the patient is not of legal age to sign,
  - e. if there is a question as to the patient's mental capacity to know what he/she signed,
  - f. if there is no evidence that the person signing for a minor or incompetent is legally qualified to do so,
  - g. if there is reason to suspect that the patient's signature is not authentic,
  - h. if there is reason to believe that the patient may not want an old authorization honored.
8. The hospital will retain all patient authorizations for information released, records inspected, and/or for information requested in which the request was denied.

II. Verbal requests for information

1. Telephone requests for medical information from physicians' offices:
  - a. Information may be released to a known attending or consulting physician  
if necessary, verify request by returning the call.
  - b. Physicians' secretaries (located in the hospital) may request verbally medical records to be signed out to the physician's office, these records must be signed in and out by either the physician's secretary or the physician.
2. Verbal requests for medical records and/or medical information from MUSC Hospital Administration are to be honored immediately.
  - a. If a record is requested, the record is to be signed out to the Administrative person making the request.
3. Verbal requests from Nursing Services, Social Services, and Business Office:
  - a. Requests from the Business Office must come from a supervisor.
  - b. Requests from Nursing Services, Social Services and other hospital employees having patient care-related for doing so, may inspect medical records only as necessary to carry out their professional duties and upon presenting their MUSC picture ID.
4. Telephone requests from insurance companies:
  - a. D/C dates may be released.
  - b. Verify request by taking the caller's name and calling back with the discharge date.
5. Requests for studies and research projects are to be made according to departmental procedures.

### III. General

1. Employees making requests for medical records or medical information must be properly identified, i.e., MUSC picture ID.
2. Medical records may not leave the hospital except by court order or subpoena.

3. Unauthorized disclosure of information pertaining to federally-funded patients is punishable with a fine of not more than \$1,000 and/or imprisonment for not more than six (6) months as outlined in Section 1166 (b) of the Social Security Act.

IV. Release of Information concerning committed patients in the Institute of Psychiatry at MUSC Medical Center.

The Institute of Psychiatry may admit an occasional patient who is committed or is awaiting a hearing pending commitment. Release of Information concerning a patient has traditionally occurred upon authorization by the patient, by his/her guardian or by subpoena from the court. In the case of the committed patient or patient awaiting hearing for commitment, this release of information system is adequate unless the patient has been declared mentally incompetent by the court. That is, even though the patient is committed or awaiting commitment, if he/she has not been declared mentally incompetent, he/she is capable of authorizing release of his medical records. In addition, the court order which designated the court appointed attorney, the guardian ad litem, and the court medical examiners directs the Medical Director of the hospital (or his designated representative) to cooperate fully with the appointees of the court. This is commonly interpreted to include allowing access to the patient or his medical records by the attorney or medical examiner.

Each medical record includes copies of the court order which designates both the principles listed above. Therefore, the following policy is to be followed:

1. A sheet listing the signature of each person viewing the record is to be affixed to and made a permanent part of the patient's medical record.
2. The court appointed attorney and the medical examiner are also required to sign the above referenced sheet.
3. If the patient is competent, he/she signs a release authorizing release of information to the court appointed attorney and/or the court appointed medical examiner. If the patient is judged mentally incompetent, his/her guardian signs a release authorizing release of information to the court appointed attorney and/or the court appointed medical examiner. Should the patient or his/her guardian refuse to sign a release of information, the records would then be released to the court appointed attorney and/or court appointed medical examiner following receipt of a subpoena which should be made a permanent part of the medical record.

4. Substance Abuse - **NO RECORDS** are to be released for any patient with a substance abuse diagnosis unless a patient authorization or a court order is obtained.

V. Definitions

1. Adult - over 18 years old or an emancipated minor.
2. Minor - a minor is under 18 years old. A minor 16 years or older may consent to all health services exclusive of surgery.
3. Emancipated - a minor who is married or who lives independently of a parent or guardian. An emancipated minor may sign all consents for treatment.
4. Records for children of minors may be released upon authorization of the parental minor.

Revised: 12/81, 1/85, 1/88, 8/89, 7/90, 8/92, 9/95

## REQUESTS FOR COPIES OF MEDICAL RECORDS BY PATIENTS

### **POLICY:**

All requests by patients or their families to receive copies of their medical records will be referred to the Release of Information area. Before information maintained in a patient's record may be copied or reviewed verify identity of the requestor. Acceptable identification includes: driver's license, Military I.D. or other identification which bears a picture of the patient/legal guardian. Copy the ID and attach to the authorization.

### **PROCEDURE:**

1. Written requests will be referred to the Release of Information clerks upon receipt of such requests.
2. Telephone calls relating to a patient obtaining a personal copy of his/her medical record will be referred to the Release of Information personnel.
3. When a patient comes into the department and requests copies of his/her medical record, the designated Release of Information personnel will speak with patient.
4. In the event the Release of Information personnel are not available in the Health Information Services Department, such requests will be referred to a supervisor.

**NOTE:** If the patient is a minor, records may be released upon written authorization of the parent or guardian. If the patient is deceased, records may be released upon written authorization of the next of kin or personal representative of the estate. If the patient is incompetent, records may be released upon written authorization of the guardian. In instances of guardianship, obtain copy of documentation verifying the guardianship.

Copies of medical records are provided by CopyMed Service. Questions concerning charges/payments for copies should be referred to the CopyMed employees located in the Health Information Services Department.

Review Dates: 2/18/85, 1/26/88, 11/10/88, 8/22/89, 7/4/90, 8/92, 9/95