

6 Things You Need to Know About ROI in an RHC

Releasing and Requesting Protected Health Information

Making sure that you have been correctly authorized to request and release Protected Health Information (PHI) in the RHC can be challenging whether or not you are an independent RHC winging it on your own, a provider-based RHC that is a part of a bigger healthcare system or an RHC somewhere in between. The six must-know things about release of information or ROI are:

1. **Make sure your Authorization/Release Form is correct.** Often, we see clinics using authorization forms which are not HIPAA compliant. According to HHS.gov, *an authorization must specify a number of elements, including a description of the protected health information to be used and disclosed, the person authorized to make the use or disclosure, the person to whom the covered entity may make the disclosure, an expiration date, and, in some cases, the purpose for which the information may be used or disclosed. With limited exceptions, covered entities may not condition treatment or coverage on the individual providing an authorization.* Most states have copies of valid release of information authorization forms available for providers. Make sure that your form contains all the HIPAA-required elements as well as any state-required elements. When was your form updated or reviewed?
2. **The patient must authorize the specific Release of Information.** Except in emergency situations or when providing continuity of care, the patient or the legal representative must authorize the release of the specific PHI such as which records, what date range or episode of care, what conditions or diagnoses and the purpose of the ROI. ***This means that you should not have your patients sign a blank ROI form as part of your new patient registration packet.*** The ROI form must be complete when the patient signs it and the patient can limit what is released and to whom. The ROI should have an expiration date and it should contain a statement that it can be revoked.
3. **Additional authorizations may be needed for some PHI.** Federal and State laws may require that sensitive PHI pertaining to behavior and mental health, sexual health, communicable diseases and vocational rehabilitation be released only with specific authorization. *A statement that you may inadvertently release or redisclose these elements of the records is usually not adequate.*
4. **Make sure that staff knows how to retrieve and abstract the correct records.** Have dedicated staff that knows how to retrieve, abstract and release only the PHI that has been authorized for release. If the ROI is only for part of the medical record or only for certain episodes of care, make sure that only those parts of the record are released. Also, make sure that when abstracting the record, that no information has been incorrectly scanned into the record and that each page is PHI for the correct patient.
5. **Have a designated person who is responsible for the medical records in your RHC.** 42 CFR 491.10 not only requires that we designate a specific person as being responsible for our medical records but that we also have written policies and procedures governing our medical records and that they are complete as described in the federal code. Medical record deficiencies remain one of the most cited survey tags nationwide. If you are a provider based RHC, you should have good communication with your parent hospital's Health Information Department to make sure not only that you are following their ROI procedures but that they understand what RHC specific issue you might have.
6. **Know what you can charge for copying medical records.** Each state has determined the maximum amount that you can charge a patient or third-party for the reproduction of medical records depending on the media format, number of pages, and other factors. Federal law also stipulates that records must be provided at a reasonable cost-based charge. Knowing when you can charge and how much you can charge for medical records is important. You should also know that the revenue from copying medical records and the cost of providing the records is something your cost report preparer will need to know.