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TITLE: <b>HIPAA - Patient Rights</b>		

<b>Purpose:</b>	This document describes the rights patients have under the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule.
<b>Definitions:</b>	<p><u>Access:</u> The ability or the means necessary to search, view, read, write, modify, or otherwise interact with data or information contained in a patient's medical record. Access includes activity recorded in such a way that the time reviewed, time edited, and content reviewed, added, edited, or modified is recorded as part of an access log.</p> <p><u>Business Associate:</u> A person or entity which provides certain functions, activities, or services for or to TMC Health (TMCH) involving the use and/or disclosure of protected health information (PHI), and such person or entity is not a Workforce Member.</p> <p><u>Designated Record Set:</u> A group of records maintained by or for a covered entity that may include patient medical and billing records; the enrollment, payment, claims, adjudication, and cases or medical management record systems maintained by or for a health plan; or information used in whole or in part to make care-related decisions.</p> <p><u>Protected Health Information (PHI):</u> Any information, including payment information, whether oral or recorded, transmitted or retained in any form or medium, including demographic information collected from an individual, that:</p> <ul style="list-style-type: none"> <li>• Is created or received by TMCH;</li> <li>• Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and</li> <li>• Identifies the individual, or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.</li> </ul> <p><u>Workforce Member:</u> Employees, volunteers, trainees and other persons whose conduct is under the direct control of TMCH, whether or not the person is paid by TMCH.</p>
<b>Keywords:</b>	Access, Accounting of Disclosures, Amendment, HIPAA, Notice of Privacy Practices, PHI, Privacy, Restriction, Rights, Unauthorized
<b>Applicability:</b>	TMC Health: TMC Hospital Main and TMC Hospital at Rincon, including all

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	<p>inpatient and outpatient departments, Peppi's House – TMC Hospice, TMC Integrative Pain Clinic, and TMC Wound Care Center; TMC Medical Network and TMCOne, including all ambulatory primary and specialty care clinics, TMC Urgent Care – Rincon, and TMC Urgent Care – Wyatt; Benson Hospital, including Benson Hospital Rehabilitation, Benson Family Health Care Clinic, Benson San Pedro Clinic, and Vail Valley Family HealthCare; Northern Cochise Community Hospital, including Sulphur Springs Medical Center and Sunsites Medical Clinic; and all other TMC HealthCare subsidiaries except as otherwise noted.</p> <p>For purposes of this Policy, Affiliates do not include Tucson4Health LLC, Southern Arizona Hospital Alliance or TMCH joint ventures with physicians.</p>
<b>Statement of Policy:</b>	<p>Under HIPAA, individuals are entitled to information about and control over their own health information.</p> <p><b>1. Right to Receive a Notice of Privacy Practices</b></p> <p>TMCH honors an individual's right to receive TMCH's current Notice of Privacy Practices, including a paper copy of the notice, by providing the current Notice of Privacy Practices in accordance with TMCH policy governing Notice of Privacy Practices.</p> <p><b>2. Right to Access PHI</b></p> <p>2.1. General Right</p> <p>(a) TMCH provides individuals, upon request, with Access to the PHI about them in one or more Designated Record Sets maintained by or for TMCH as long as the information is maintained by TMCH, or by a Business Associate on behalf of TMCH, regardless of the date the information was created; whether the information is maintained in paper or electronic systems onsite, remotely, or is archived; or where the PHI originated. This Access includes the right to inspect or obtain a copy, or both, of the PHI, as well as to direct TMCH to transmit a copy to a designated person or entity of the individual's choice.</p> <p>(b) TMCH provides an individual's personal representative (generally, a person with authority under State law to make health care decisions for the individual) with PHI about the individual in a Designated Record Set (as well as to direct</p>

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	<p>TMCH to transmit a copy of the PHI to a designated person or entity of the individual's choice), upon request, consistent with the scope of such representation.</p> <p>2.2. Information Excluded from Right to Access</p> <p>TMCH does not provide the following types of information in response to a request for Access, as the HIPAA Privacy Rule expressly excludes such information from an individual's right to Access PHI:</p> <ul style="list-style-type: none"> <li>(a) PHI that is not part of a Designated Record Set because the information is not used to make decisions about individuals, i.e. certain quality assessment or improvement records, patient safety activity records, or business planning, development, and management records.</li> <li>(b) Psychotherapy notes, which are the personal notes of a mental health care provider documenting or analyzing the contents of a counseling session, that are maintained separate from the rest of the patient's medical record. See 45 CFR 164.524(a)(1)(i) and 164.501.</li> <li>(c) Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding. See 45 CFR 164.524(a)(1)(ii).</li> </ul> <p>2.3. Requests for Access</p> <ul style="list-style-type: none"> <li>(a) TMCH requires all requests be presented in writing for Access to PHI in the "medical records" portion of the Designated Record Set.</li> <li>(b) TMCH accepts requests presented verbally or in writing for Access to PHI in the "billing records" portion of the Designated Record Set.</li> </ul> <p>All verbal requests are documented to include date of request, what was requested, who took the request, and the name of the requestor.</p> <ul style="list-style-type: none"> <li>(c) TMCH does <u>not</u> require an individual to provide a reason for</li> </ul>
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	<p>requesting Access.</p> <p>(d) TMCH takes reasonable steps to verify the identity of an individual making a request for Access in accordance with TMCH policy governing the identification and protection of PHI.</p> <p>2.4. Providing Access</p> <p>(a) TMCH provides the individual with Access to the PHI in the form or format requested, including electronic, if readily producible in that form and format, or if not, in a readable hard copy form or other form and format, including electronic, as agreed to by TMCH and the individual.</p> <p>(b) TMCH provides the individual with the PHI in the manner requested by the individual, which includes arranging with the individual for a convenient time and place to pick up a copy of the PHI or to inspect the PHI, or to have a copy of the PHI mailed or e-mailed, or otherwise transferred or transmitted to the individual to the extent the copy would be readily producible in such a manner, i.e. mail or email.</p> <p>(c) TMCH may provide the individual with a summary of the PHI requested, in lieu of providing Access to the PHI, or may provide an explanation of the PHI to which Access has been provided in addition to that PHI, so long as the individual in advance chooses to receive the summary or explanation and agrees to any fees that may be charged for the summary or explanation.</p> <p>(d) TMCH may impose a reasonable, cost-based fee if the individual requests a copy of the PHI. The fee shall include <u>only</u>:</p> <ul style="list-style-type: none"> <li>• Labor for copying the PHI requested by the individual, whether in paper or electronic form;</li> <li>• Supplies for creating the paper or electronic media (e.g. CD or USB drive) if the individual requests that the electronic copy be provided on portable media;</li> <li>• Postage, when the individual requests that the copy, or</li> </ul>
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	<p>the summary or explanation, be mailed; and</p> <ul style="list-style-type: none"> <li>• Preparation of an explanation or summary of the PHI, if agreed to by the individual.</li> </ul> <p>TMCH shall not withhold the copy, summary, or explanation of PHI pending payment of such fees.</p> <p>(e) Pursuant to Arizona Law, TMCH and any of its contractors do not charge for the pertinent information contained in medical records provided to:</p> <ul style="list-style-type: none"> <li>• Another health care provider for the purpose of providing continuing care to the patient to whom the medical record pertains;</li> <li>• The patient to whom the medical record pertains for the demonstrated purpose of obtaining health care; or</li> <li>• The health care decision maker of the patient to whom the medical record pertains for the demonstrated purpose of obtaining health care for the patient.</li> </ul> <p>2.5. Denial of Access</p> <p>(a) Under certain limited circumstances, TMCH may deny an individual's request for Access to all or a portion of the PHI requested. For the following <i>unreviewable</i> grounds, TMCH denies an individual's request for Access to PHI when:</p> <ul style="list-style-type: none"> <li>• The request is for psychotherapy notes, or information compiled in reasonable anticipation of, or for use in, a legal proceeding.</li> <li>• An inmate requests a copy of his or her PHI held by a health care provider acting under the direction of a correctional institution, and providing a copy would jeopardize the health, safety, security, custody, or rehabilitation of the inmate or other inmates, or the safety of correctional officer, employees, or other person at the institution or responsible for the transportation of the inmate. However, in these cases, an inmate retains the right to inspect his or her PHI.</li> <li>• The requested PHI is in a Designated Record Set that is part of a research study that includes treatment (e.g.,</li> </ul>
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	<p>clinical trial) and is still in progress, provided the individual agreed to the temporary suspension of Access when consenting to participate in the research. The individual's right to Access is reinstated upon completion of the research.</p> <ul style="list-style-type: none"> <li>• The requested PHI is in Privacy Act protected records (i.e., certain records under the control of a federal agency, which may be maintained by a federal agency or a contractor to a federal agency), if the denial of Access is consistent with the requirements of the Privacy Act.</li> <li>• The requested PHI was obtained by someone other than a health care provider (e.g., a family member of the individual) under a promise of confidentiality and providing Access to the information would be reasonably likely to reveal the source of the information.</li> </ul> <p>(b) For the following <i>reviewable</i> grounds, TMCH denies an individual's request for Access to PHI if:</p> <p>(1) The Access requested is <u>reasonably likely</u> to:</p> <ul style="list-style-type: none"> <li>• endanger the life or physical safety of the individual or another person. This ground for denial does <u>not</u> extend to concerns about psychological or emotional harm (e.g. concerns that the individual will not be able to understand the information or may be upset by it), or</li> <li>• cause substantial harm to a person (other than a health care provider) referenced in the PHI, or</li> <li>• The provision of Access to a personal representative of the individual that requests such Access is <u>reasonably likely</u> to cause substantial harm to the individual or another person; <i>and</i></li> </ul> <p>(2) The denied Access is no broader than necessary to substantially reduce the risk of harm; <i>and</i></p> <p>(3) The risk of harm is:</p> <ul style="list-style-type: none"> <li>• determined on an individualized basis in the exercise of professional judgement by a licensed</li> </ul>
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	<p>health care professional who has a current or prior clinician-patient relationship with the patient whose information is affected by the determination or</p> <ul style="list-style-type: none"> <li>• Arises from data that is known or reasonably suspected to be misidentified or mismatched, corrupt due to technical failure, or erroneous for another reason; <i>and</i></li> </ul> <p>(4) The denial practice must be</p> <ul style="list-style-type: none"> <li>• consistent with a written organizational policy based on relevant clinical, technical, and other appropriate expertise that is implemented in a consistent and non-discriminatory manner, or</li> <li>• based on a determination that is based on facts and circumstances known or reasonably believed by the actor at the time the determination was made and while the practice remains in use and based on expertise relevant to implementing the practice in accordance with the conditions of this Policy.</li> </ul> <p>For these <i>reviewable</i> grounds for denial, TMCH has available a designated licensed health care professional who did not participate in the original decision to deny. TMCH promptly refers requests for denial review to the designated reviewing official to have the determination review and potentially reversed, and TMCH promptly provides written notice to the individual of the determination of the reviewing official, as well as takes other action necessary to carry out the determination of the reviewing official.</p> <p>(c) TMCH provides a written denial to the individual, written in plain language, describing the basis for denial; if applicable, the individual's right to have the decision reviewed and how to request such a review; and how the individual may submit a complaint to TMCH or the HHS Office for Civil Rights. If TMCH does not maintain the PHI requested, but knows where the information is maintained, TMCH informs the individual where to direct the request for Access.</p> <p>Additionally, for denials related to requests for records pertaining to care and treatment provided at TMCH inpatient Geropsych locations, patients and/or their legally authorized</p>
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	<p>representatives shall be specifically notified of the right to appeal a denial. Upon receiving a denial appeal, TMCH shall initiate appeal review within five business days and shall include patient interview in the review. TMCH shall issue a final decision regarding the appeal review within five business days of appeal review initiation. TMCH shall cover any costs associated with the appeal review.</p> <p>(d) TMCH, to the extent possible and within allowable timeframes, provides the individual with Access to any other requested PHI, after excluding the PHI to which TMCH has denied Access pursuant to this Policy.</p> <p>2.6. Responding to Requests for Access</p> <p>TMCH responds to all written requests for records within thirty (30) days, either by providing the records requested, providing a written denial, or providing a written statement explaining the delay and setting forth the date which TMCH will provide a response if TMCH cannot produce the records or provide a denial within 30 days from receipt of the written request.</p> <p><b>3. Right to Request Amendment of PHI</b></p> <p>TMCH honors an individual's right to request an amendment or correction to his/her PHI maintained in the Designated Record Set if he/she feels that the information is incomplete or inaccurate.</p> <p>3.1. Requests for Amendment</p> <p>TMCH requires an individual's amendment request to be made in writing, clearly identify the information to be amended, and provide a reason to support the requested amendment.</p> <p>3.2. Responding to Requests for Amendment</p> <p>(a) TMCH responds to all requests for amendment within sixty (60) calendar days from the date of receipt.</p> <p>(b) If TMCH is unable to provide the requested amendment response within sixty (60) calendar days from the date of receipt, TMCH notifies the requestor in writing that an extension of no more than an additional thirty (30) calendar</p>
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	<p>days is needed, and this notice includes a description of why more time is needed and the date by which the original request shall be processed.</p> <p>3.3. Approving a Request for Amendment</p> <p>(a) TMCH approves a request for amendment if the affected Workforce Member agrees to correct or addend the original documentation in accordance with the individual's request for amendment.</p> <p>(b) TMCH provides a written approval to the individual, written in plain language, which includes a description of how the individual may request that TMCH notify others of the correction or addendum made.</p> <p>3.4. Denying a Request for Amendment</p> <p>(a) TMCH may deny an individual's request for amendment if it determines that the PHI or record that is the subject of the request:</p> <ul style="list-style-type: none"> <li>• Was not created by TMCH, unless the individual provides a reasonable basis to believe that the originator of the PHI is no longer available to act on the request;</li> <li>• Is not part of the Designated Record Set;</li> <li>• Would not be available for inspection per section 2.5(a) of this Policy; or</li> <li>• Is accurate and complete, as concluded by the authoring or reviewing Workforce Member(s).</li> </ul> <p>(b) If TMCH denies an individual's request for amendment, TMCH provides a written denial to the individual, written in plain language, describing the basis for denial; the individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement; a statement that, if the individual does not submit a statement of disagreement, the individual may request that TMCH provide the individual's request for amendment and the denial with any future disclosures of the PHI that is the subject of the amendment; and a description of how the</p>
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	<p>individual may complain to TMCH or the Department of Health and Human Services.</p> <p>(c) TMCH permits the individual to submit a written statement disagreeing with the denial and the basis of such disagreement; however, TMCH limits the length of the statement to one 8½ x 11 inch page of single-spaced typed text.</p> <p>TMCH may prepare a written rebuttal to the individual's statement if disagreement, and, whenever such a rebuttal is prepared, TMCH provides a copy to the individual who submitted the statement of disagreement.</p> <p><b>3.5. Inclusion in Future Disclosures</b></p> <p>If the individual submits a statement of disagreement, TMCH includes the individual's original amendment request, TMCH's denial, the individual's statement of disagreement, and the TMCH rebuttal (as applicable) in any future disclosures of the PHI that is the subject of the amendment request.</p> <p><b>3.6. Amendment by Others</b></p> <p>TMCH, upon being informed by another entity of an amendment to an individual's PHI, appends the amendment to the individual's TMCH Designated Record Set.</p> <p><b>3.7. Recordkeeping</b></p> <p>(a) TMCH identifies the record or PHI in the Designated Record Set that is the subject of an amendment request, and appends or otherwise links the individual's amendment request, TMCH's approval or denial of the request, the individual's statement of disagreement, and TMCH's rebuttal, to the Designated Record Set, each as applicable.</p> <p>(b) TMCH maintains documentation of the titles of the persons or offices responsible for receiving and processing requests for amendments by individuals for no less than six (6) years.</p> <p><b>4. Right to Request Restriction of Use and Disclosure of PHI</b></p> <p>TMCH honors an individual's right to request restriction of use and</p>
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	<p>disclosure of his/her PHI.</p> <p>4.1. Requests for Restriction</p> <p>TMCH requires an individual's request for restriction be made in writing.</p> <p>4.2. Responding to Requests for Restriction</p> <p>(a) TMCH responds to all requests for restriction as soon as practicable, and, as a guideline, attempts to do so within ninety (90) calendar days of the request.</p> <ul style="list-style-type: none"> <li>• For an approved request for restriction, TMCH provides a written agreement to the individual that contains a statement specifying the restriction to which TMCH agrees and a statement that the agreement shall not be effective in an emergency.</li> <li>• For a denied request for restriction, TMCH provides a written statement of denial to the individual.</li> </ul> <p>(b) To avoid inadvertent transmission of PHI to an individual's health plan, TMCH notifies the individual as soon as possible if the request is to restrict a disclosure to a health plan where the PHI relates solely to the health care services for which the individual has paid in full.</p> <p>4.3. Approving or Denying a request for Restriction</p> <p>(a) TMCH approves a request for restriction of PHI to a health plan where the PHI relates solely to a health care service for which the patient has paid in full.</p> <p>(b) TMCH may deny, approve, or approve in part, any other requests for restriction in consideration of the following:</p> <ul style="list-style-type: none"> <li>• The ability of TMCH to comply with the request;</li> <li>• The resources and time needed to comply with the request, and</li> <li>• Any reasons given by the individual for the request, with particular weight given to reasons of patient safety.</li> </ul>
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	<p>4.4. Termination of Restriction Agreement</p> <p>TMCH terminates an agreement to restrict an individual's PHI under the following circumstances:</p> <ul style="list-style-type: none"> <li>(a) TMCH receives a written request from the individual to terminate the previously agreed upon restriction.</li> <li>(b) TMCH wishes to terminate the restriction and the individual agrees to the termination.</li> <li>(c) TMCH provides notice to the individual that TMCH has terminated the restriction without agreement from the individual.</li> </ul> <p>4.5. Recordkeeping</p> <p>TMCH maintains documentation of any restriction agreement and terminations for no less than six (6) years.</p> <p><b>5. Right to Accounting of Disclosures</b></p> <p>TMCH honors an individual's right to receive an accounting of certain disclosures of PHI by TMCH and its business associates.</p> <p>5.1. Maintaining an Accounting of Disclosures</p> <ul style="list-style-type: none"> <li>(a) TMCH maintains a record of all disclosures of PHI made by TMCH or its business associates for no less than six (6) years, with the exception of disclosures made: <ul style="list-style-type: none"> <li>• For treatment, payment, or health care operations;</li> <li>• To the patient or the patient's representative;</li> <li>• Under a patient's or representative's authorization;</li> <li>• Incident to a use or disclosure that is otherwise permitted or required under HIPAA;</li> </ul> <p>TMCH <i>does</i> maintain a record of all disclosures of communicable disease-related PHI and provides the record to the individual upon request.</p> <ul style="list-style-type: none"> <li>• In TMCH facility directories;</li> <li>• To persons involved in the patient's care;</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>• For national security or intelligence purposes;</li> <li>• To correctional institutions or law enforcement officials with custody over an inmate; and</li> <li>• As part of a limited data set.</li> </ul> <p>(b) For each disclosure, TMCH maintains the following data:</p> <ul style="list-style-type: none"> <li>• Date of disclosures;</li> <li>• Name of entity or person to whom the disclosure was made, and, if known, the address of the entity or person;</li> <li>• Brief description of PHI disclosed; and</li> <li>• Brief statement of the purpose of the disclosure or a copy a written request for disclosure, if any.</li> </ul> <p>(c) For multiple disclosures of PHI to the same person or entity for a single purpose under the “public purpose” disclosures section of the HIPAA Privacy Rule or to the Secretary of the Department of Health and Human Services (HHS), TMCH additionally maintains the following data:</p> <ul style="list-style-type: none"> <li>• The frequency, periodicity, and number of disclosures; and</li> <li>• The date of the last such disclosure.</li> </ul> <p>5.2. Requesting an Accounting of Disclosures</p> <p>TMCH only accepts written requests for an accounting of disclosures.</p> <p>5.3. Responding to a Request for an Accounting of Disclosures</p> <p>(a) TMCH responds to all requests for an accounting of disclosures within sixty (60) calendar days from the date of the request.</p> <p>(b) If TMCH is unable to provide the requested accounting of disclosures within sixty (60) calendar days from the date of the request, TMCH notifies the requestor in writing that an extension of no more than an additional thirty (30) calendar days is needed, and this notice includes a description of why more time is needed and the date by which the accounting</p>
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	<p>will be provided.</p> <p>5.4. Charging for an Accounting of Disclosures</p> <p>(a) TMCH provides one (1) accounting within a twelve-month period free of charge to a patient or the patient's representative.</p> <p>(b) TMCH may charge a fee for any additional accounting of disclosure requests from a patient or patient's representative within a twelve-month period. TMCH informs the requestor of any fees before processing the request and allows the requestor to withdraw the request.</p> <p><b>6. Right to Receive Confidential Communications by Alternative Means</b></p> <p>TMCH honors an individual's right to receive confidential communications by alternative means.</p> <p>6.1. Requests for Use of Specific Communication Methods</p> <p>(a) TMCH only accepts written requests for receiving confidential communications by alternative means.</p> <p>(b) TMCH requires separate requests for each provider/service area.</p> <p>6.2. Recordkeeping</p> <p>(a) TMCH stores written requests for receiving confidential communications by alternative means outside of the individual's Designated Record Set.</p> <p>(b) TMCH maintains written requests for receiving confidential communications by alternative means for no less than six (6) years.</p>
<b>Procedure:</b>	TMCH does not have a Procedure associated with this Policy.
<b>Standard Work:</b>	The Standard Work for this Policy is: <b>Accounting of Disclosures</b>

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<b>References:</b>	45 CFR §160, 164 – HIPAA Privacy Rule 45 CFR §170, 171 – Information Blocking
<b>Policy Creator:</b>	TMCH Chief Compliance Officer
<b>Executive Sponsor:</b>	TMCH Chief Executive Officer
<b>Review:</b>	This Policy shall be reviewed as needed per changes in applicable laws, regulations, and accreditation or operational requirements, but no less often than every one (1) year.

Approved: /s/ Denise Hathaway 4/26/2024  
Denise Hathaway Date  
TMCH Chief Compliance Officer