

# THREE THINGS TO KNOW ABOUT: MEDICAL RECORD REQUESTS

- 1.** Access to protected information may be requested by a patient or other individual in a variety of ways for a variety of purposes. It is vitally important that requests for information *never be ignored* as there are professional, ethical, and legal penalties for failing to respond in a timely manner. Furthermore, failure to respond appropriately to requests in a judicial context may invoke professional liability coverage issues.
- 2.** Your practice should have written policies and procedures for responding to information requests appropriately. Written confidentiality policies and procedures are required under HIPAA's Privacy Rule, as well as under some states' laws. It is important to remember, however that responding to a request for information does not always involve disclosing the information, in fact, frequently it does not.
- 3.** A proper authorization almost always compels a psychiatrist to release records, even if he does not wish to do so. Some state statutes as well as the HIPAA Privacy Rule allow a psychiatrist to provide a summary of treatment in lieu of a copy patient's entire chart; however, in many instances, individuals who request a copy of a record will insist on receiving a complete copy. Some states and the Privacy Rule also allow psychiatrists to refuse to release information that would be detrimental to the patient; however, there will typically be an appeal mechanism under which the patient can have the psychiatrist's denial of access reviewed. The standards for exercising this discretion are very high. For example, information could be withheld if disclosure would cause the patient to become imminently suicidal or homicidal, but information could not be withheld if it would simply cause the patient to become angry and file a lawsuit.

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