

**FAMILY PLANNING PROGRAM****SECTION:** Medical Records**POLICY AND PROCEDURE MANUAL****SUBJECT:** Release of Medical Information

**POLICY:** Clients have the right to disclose confidential and privileged medical information, and only they can exercise that privilege. Employees sharing in the care of a client may review records as necessary in the performance of their duties. All other persons either from inside or outside the clinic who wish to review a record must have written permission from the client, with the exception of the facility itself, which may use the record for billing or when required to defend itself or its agents against unjust accusations.

**PROCEDURE:**

1. Anyone requesting to see, or requesting information from the medical records of a client must present a consent form for the release of this information (copy in Appendix). Consent forms should be honored only if they contain the following:
  - a. must identify the client
  - b. must be specifically addressed to the facility
  - c. must designate each person, firm, corporation, or public body to which the information may be released
  - d. must state the general purpose for which the information will be used
  - e. must state the type of information to be released
  - f. must state that it does not authorize further release of information unless such release is specified by the client
  - g. must be dated when signed by the client
  - h. must pre-date treatment
  - i. can only be honored for a one-year period following signature by client
  - j. must state that consent may be revoked by the client at any time
  - k. must specifically state if information related to drug and alcohol problems are to be released
  - l. must state if information regarding HIV is to be released
  - m. must state if information regarding mental health issues is to be released
  - n. must be signed by the client unless:
    - 1) client is unable to sign name but uses other means, which must be witnessed
    - 2) validity of signature is questioned which would necessitate a notarized signature
    - 3) client is deceased; then authorization must be given by personal representative of the estate
2. Adolescents may sign their own release of information form.
3. Information may be released only about care rendered by clinic staff members or by consultants who saw the client. If requests are made about events which took place prior to involvement with this clinic, that information must be requested by the client from the clinic or institution at which the event occurred.

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4. It is necessary to get a signed consent from the client before releasing medical information to a doctor who says he is treating the client.
  - a. In case of emergency, information may be released by phone.
  - b. Retrospectively, a signed release must be obtained.
  - c. Clients who need physical exams prior to admittance to a chemical dependency program must sign a release prior to release of records.
  - d. Requests from free clinics for information about clients with positive STD findings are not considered to be emergencies.
5. Remove the sections of the chart that contain correspondence and medical reports from other institutions before being reviewed by a third party.
6. As a matter of courtesy, notify the medical director and physician/midlevel practitioner who examined the client when a record is being reviewed.
7. The written consent of the client is required for the release of personally identifiable information except as may be necessary to provide services to the client or as required by law.
  - a. Do not release information to friends or relatives without written authorization from the client.
  - b. Do not release medical information to the client's employer; even a simple request to determine if the client was at the clinic at a particular time, without the signed consent form.
8. Only a court subpoena may obtain medical records without a signed consent form from the client.
9. Client records may be given to the client for transport to the new institution or records may be mailed.
10. The referring agency shall retain the original release of information form and send a copy.

## Reference:

1. Program Guidelines for Project Grants for Family Planning Services, January 2001, p. 29, Section 10.3, Medical Records, Confidentiality.
2. North Dakota Century Code, Chapter 23-01.2, Health Information Protection.

