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North Sound Behavioral Health Organization

Section 2500 – Privacy: Designated Record Set

Authorizing Source: 45 CFR 164 (HIPAA); 42 CFR Part 2 (Part 2); RCW 70.02

Cancels:

See Also:

Responsible Staff: Privacy Officer

Executive Director's Signature:

Approved by: Board of Directors

Motion #: 03-013

Date: 4/14/2003

Date: 3/6/2018

POLICY #2504.00

SUBJECT: DESIGNATED RECORD SET

PURPOSE

In compliance with Health Insurance Portability and Accountability Act (HIPAA), Part 2 and Washington law, this policy sets out the elements of the Designated Record Set and the creation and maintenance of data sources that contain Protected Health Information (PHI).

Capitalized terms in this policy have specific meanings. Defined terms in this policy include Designated Record Set, Individual, PHI, and Workforce. See Policy 2502.00: Definitions for Policies Governing PHI.

POLICY

North Sound Behavioral Health Organization (North Sound BHO) shall identify categories of records maintained, collected, used, or disseminated by North Sound BHO that contain PHI and are used to make decisions about Individuals, including enrollment, payment, claims adjudication and case or medical management records maintained by or for North Sound BHO. These records shall be termed "Designated Record Sets" and shall be considered the only records to which Individuals or their Authorized Representatives have a right to request access, amendment and copies, unless otherwise Required by Law.

PROCEDURES

1. Designated Record Set

- 1.1 **Definition.** A Designated Record Set is a description of health, Treatment and Payment information that can be maintained in one (1) or many areas within North Sound BHO. The term "record" means any item, collection, or grouping of information that includes PHI and is maintained, collected, used, or disseminated by or for North Sound BHO. The Designated Record Set is: (a) the medical and billing records about Individuals maintained by or for a covered Health Care Provider; (b) the enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a Health Plan; and (c) used in whole or in part, by or for the Covered Entity to make decisions about the Individual. North Sound BHO, through its Information Systems/Information

Technology (IS/IT) Administrator, has created and will maintain a database that identifies all specific internal Designated Record Set components, the basic content, the location of the documentation, the contact person and whether stored in electronic or paper form.

- 1.2 **Database of Designated Record Sets.** All original components of the Designated Record Set will be maintained and stored at North Sound BHO's main office under the supervision of IS/IT Administrator and assisted by the HIPAA Security Officer. The IS/IT Administrator or his or her designee will verify, as components are received, they are entered into the database.
- 1.3 **Database Search.** Requests by Individuals to have access to, amend, restrict, or request an accounting of disclosures will trigger a search of the database and will be noted in the database.
- 1.4 **Complete Database.**
 - 1.4.1 If a Workforce member is uncertain whether a certain document or piece of information belongs in the Designated Record Set, then the Workforce member should contact the appropriate supervisor or the IS/IT Administrator for advice.
 - 1.4.2 If a Workforce member believes there are documents in an Individual's Designated Record Set that do not belong, then the Workforce member should contact the appropriate supervisor or the IS/IT Administrator.

2. **Determination Process.** The documentation maintained by North Sound BHO will be evaluated to determine those groups of records that should be categorized as Designated Record Sets. The defined process should provide the following information is gathered about the evaluated records:

- 2.1 **Documentation type;**
- 2.2 **Basic content;**
- 2.3 **Location of the documentation;**
- 2.4 **Contact person;**
- 2.5 **Paper/electronic documentation;**
- 2.6 **Whether the documentation contains PHI; and**
- 2.7 **Whether the documentation is used to make decisions about the Individual.**

3. **Inclusion within Designated Record Set.** North Sound BHO will maintain the following items in a Designated Record Set:

- 3.1 **Correspondence.** Any records generated by, or correspondence between, North Sound BHO Workforce and the Individual or others involved in the Individual's care;
- 3.2 **Authorization.** Authorizations for Medicaid Personal Care (MPC) funding;
- 3.3 **Applications.** Applications for Children's Long-Term Inpatient Program (CLIP) services;

- 3.4 **Reconciliations.** Inpatient reconciliation of encounters;
 - 3.5 **Authorizations.** Authorizations for other services or other written acknowledgements of the Individual's eligibility for services;
 - 3.6 **Encounter Records.** Records including dates, services rendered, name(s) of provider(s), coding, clinical documentation of Individual service contacts, including authorizations or denials and other information used to determine services provided, funding allocation and reconciliation.
 - 3.7 **For Decisions.** Any other records or PHI used, in whole or in part, to make decisions about the Individual and case or medical management records maintained by or for North Sound BHO.
4. **Exclusion from Designated Record Set.** The Designated Record Set will not include:
- 4.1 **Education records** governed by the Family Educational Rights Privacy Act (FERPA) and exempt from HIPAA;
 - 4.2 Information involved in **civil, criminal or administrative actions** or records assembled in anticipation of a legal action;
 - 4.3 Health information that is **not used to make decisions** about the Individual;
 - 4.4 **Quality improvement records;**
 - 4.5 **Risk management records** including incident reports;
 - 4.6 **Employment records** held by North Sound BHO in its role as employer; and
 - 4.7 Information created as part of a **Research** study to which the Individual has temporarily waived right to access. See Policy 2513.00: Research.
5. **Multiple Repositories.** PHI is kept in many forms throughout North Sound BHO. Each of the existing repositories of PHI have been and will continue to be, identified, documented and approved for usage. Any new need for creation of an additional repository of PHI must follow the same established process under the direction and approval of the Privacy Officer and the IS/IT Administrator.
6. **Exemption for Routine Requests.** This policy does not apply to routine requests that do not involve clinical information, such as an Individual at registration requesting the update of contact information. A Workforce member may handle routine requests informally by appropriately updating the information.
7. **Documentation.** Documentation relating to Designated Record Sets shall be retained at least six (6) years and shall include the following:
- 7.1 **All relevant policies and procedures;**
 - 7.2 **Relevant databases; and**
 - 7.3 **All requests by Individuals for access to a Designated Record Set.**
8. **Related Policies.** Other policies and procedures to review that are related to this policy:
- 8.1 **Policy 2501.00: Privacy and Confidentiality.**
 - 8.2 **Policy 2502.00: Definitions for Policies Governing PHI;**

- 8.3 **Policy 2506.00: Documentation;**
- 8.4 **Policy 2513.00: Research;**
- 8.5 **Policy 2514.00: Right to Access PHI;**
- 8.6 **Policy 2515.00: Right to Amend PHI;**
- 8.7 **Policy 2516.00: Right to Accounting of Disclosures; and**
- 8.8 **Policy 2522.00: Uses and Disclosures of PHI.**

ATTACHMENTS

None