

HEALTH INFORMATION MANAGEMENT FREQUENTLY ASKED QUESTIONS

Q: How can I get a copy of my medical records?

A: Patients or their personal representatives can submit a request to access protected health information at one of our Department of Health Services locations.

We have provided some useful tips on our website on how to request medical record copies. Please visit our website at [Los Angeles County Department of Health Services](#) and look under “Patient Resources.”

Q: Can a patient’s wife or husband get copies of their spouse’s medical records?

A: Not typically, but in the event where the patient wants to authorize their spouse to receive their protected health information, the patient may complete an “Authorization to Disclose Protected Health Information” form to grant them authorization.

Q: What if I see medical documentation in my medical records that I believe is an error?

A: Patients have the right to request a correction, referred to as an Amendment, to their record. This request may be submitted in writing to the Health Information Management Department at the facility where the information originated.

NOTE: A written request for an amendment to a patient’s record does not guarantee that the request will be approved.

Q: Can a parent or legal guardian sign an “Authorization to Release Protected Health Information” for a patient that is 18 years old?

A: No. The age of majority in California is 18 years old. Therefore, in order to make the release valid the patient would have to sign for themselves.

Q: As a treating provider/facility what is the process for obtaining a patient’s medical record from a DHS facility for continuity of care purposes.

A: Protected Health Information may be used and disclosed for purposes of treatment, payment, and health care operations without obtaining the patient’s signature. Please forward your request for medical records to the facility that you are requesting the records to be released from.

Q: Can you give me my medical information over the phone?

A: Release of information over the phone may only be done if the staff member doing so is absolutely sure of the identity of the person he or she is speaking with and that person has a right to receive the information. Of note, medical record staff members are not clinical staff and do not interpret health information to patients.


Q: Does my “Authorization to Release Protected Health Information” have to be notarized?

A: Generally, we do not require notarization, but we may require notarization when we are not otherwise able to confirm the authority and identity of the person requesting the health information.

Q: Can someone else pick up my medical records for me?

A: Yes, but we must have received legal documentation providing us authorization to release health information to the person picking up/requesting the medical record.

Valid legal documents such as advanced health directives and authorizations to disclose protected health information may be used for this purpose.



HEALTH INFORMATION MANAGEMENT FREQUENTLY ASKED QUESTIONS

Q: Who may access a deceased person's medical records?

A: If under applicable law an executor, administrator, or other person having the authority to act on behalf of a deceased individual or the deceased individual's estate, DHS will treat such person as the personal representative of the deceased individual, and will allow such personal representative to make decisions regarding the decedent's protected health information.

The Department of Health Services must verify the identity and authority of a person holding himself or herself as the executor, administrator or other person with the authority to act on behalf of the deceased individual in accordance with our internal policies.

If the patient died without naming a personal representative or executor, state law determines who by default possesses the right. States often establish a hierarchy of persons based on their relationship to the deceased person. Typically, this begins with an adult member of the immediate family, such as a spouse, child, or sibling.

For those family members, relatives, and others who had access to the health information of the deceased prior to death, but had not qualified as a "personal representative" of the decedent under HIPAA Privacy Rule 164.502(g)(4). The final Privacy Rule allows covered entities to disclose a decedent's protected health information to family members and others who were involved in the care or payment for care of the decedent prior to death, unless doing so is inconsistent with any prior expressed preference of the individual that is known to the covered entity.

Q: What documentation or information will I need to meet the "reasonable assurance" for access to a decedent's medical record if I am not the personal representative?

A: Reasonable assurance criteria could be met by the person by indicating to the covered entity how he or she is related to the decedent or offering sufficient details about the decedent's circumstances prior to death to indicate involvement in the decedent's care.

Q: What legal documents ensure the right to access a deceased patient's medical records?

A: A combination of the patient's death certificate and a court document establishing estate executorship is sufficient to establish one's right. In some states, alternative documentation can also be used.


Where a person does not rise to the level of personal representative, the HITECH-HIPAA final rule at 164.510(b) permits, subject to any prior expressed preference of the individual, a covered entity to disclose relevant protected health information to people that may include those who held a healthcare proxy for the individual or a medical power of attorney.

Q: Who is considered a "personal representative?"

A personal representative is: the guardian or conservator of an adult, a parent or guardian of a minor, or the executor or administrator of the estate of a deceased individual.

Q: Who is a self-sufficient minor?

Under California law, a minor 15 years of age or older who is living separately and apart from their parents or legal guardian; and manages his/her own financial affairs, regardless of the source of income.



HEALTH INFORMATION MANAGEMENT FREQUENTLY ASKED QUESTIONS

Q: Do you accept authorizations to disclose protected health information from other facilities?

We do accept authorizations from other organizations as long as the form is HIPAA compliant and contains the following components:

- Description of PHI to be disclosed
- Identity of disclosing party
- Identity of recipient
- Purpose of use or disclosure
- Expiration date of the authorization
- Statement of Right to Revoke
- Dated signature of patient or other authorized requestor
- Authorization as a condition statement
- Re-disclosure statement
- Copy to the individual statement
- Patient information such as: name, date of birth
- Name of requestor and relationship to patient
- Name and address of requestor
- Date(s) of treatment notes being requested

We hope that this information was useful to you. For more information on medical record request, please visit our website at [Los Angeles County Department of Health Services](#) and look under “Patient Resources.”