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- *Carls Center:*

Designated Record Set information held by The Carls Center consists of:

- All medical records utilized by Carls Center staff for treatment purposes maintained in the Carls Center Medical Records Office, in the ImageNow database, the Patient Care Management System and the HIPAA certified clinical computers secured within the Carls Center network. This includes but is not limited to records of patient history and physical evaluations, clinician (therapist), physician, physician assistant and/or nurse orders, progress notes, pharmacy records and orders, lab reports (including contracted laboratory services), vital signs, assessments, consults, clinical assessments, consultant notes/reports, clinical reports, authorizations and consents, x-rays, images, patient generated records, patient correspondence, personal health records and insurance prior authorization documents. It also includes case or medical management records.
- All paper and electronic billing records used by Carls Center staff, including all insurance records, precertification records, scheduling records, invoices, payments, collections and claims adjudication records.
- Medical and pharmacy records obtained from other providers, such as contracted laboratory or imaging services and other providers' records or pharmacy orders.
- For purposes of individual requests for amendment, an individual will need to request an amendment from the provider of the record.
- Quality improvement reports, resource utilization reports and risk management reports and cost reports shall not be part of the Designated Record Set.

Records created for health care operations functions are not part of the Carls Center Designated Record Set. This includes but is not limited to quality improvement reports, provider evaluations, peer review records, resource utilization reports, risk management reports and cost reports, even if they include individually identifiable health information.

The Carls Center Designated Record Set also excludes records that a health care provider maintains in connection with services provided independently of The Carls Center.

- *University Health Service:*

Designated Record Set information held by University Health Services consists of:

- All medical records utilized by University Health Services staff for treatment purposes, whether in paper or electronic form. This includes but is not limited to records of patient history and physical, physician and nurse orders, progress notes, pharmacy records and

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orders, lab reports (including contracted laboratory services), vital signs, assessments, consults, clinical reports, authorizations and consents, x-rays, images, patient generated records and personal health records. It also includes case or medical management records.

- All paper and electronic billing records used by University Health Services staff, including all insurance records, precertification records, scheduling records, invoices, payments, collections and claims adjudication records.
- Medical and Pharmacy records obtained from other providers, such as contracted laboratory or imaging services and other providers' records or pharmacy orders.
- For purposes of individual requests for amendment, an individual will need to request an amendment from the provider of the record.

Records created for health care operations functions are not part of the University Health Services Designated Record Set. This includes but is not limited to quality improvement reports, provider evaluations, peer review records, resource utilization reports, risk management reports and cost reports, even if they include individually identifiable health information.

- *CMU Flexible Benefits Plan:*

Designated Record Set information held by CMU for the self-funded health plan components of the Central Michigan University Flexible Benefits Plan consists of:

- Records maintained by the Plan's third-party administrators on behalf of the Plan for the self-funded benefits provided for Plan, which currently consists of medical, prescription drug, dental, and health flexible spending account benefits. This includes the payment, claims adjudication and case/medical management systems maintained by the third-party administrators.
- Records obtained from wellness program participants and/or their physicians used to determine participants' qualification for wellness program benefits, including records maintained by the Benefits Department and the health coaching program vendor.

The Plan's Designated Record Set does not include the following documents:

- Enrollment records maintained by CMU in the SAP system, and enrollment verification reports received from insurers/TPAs, as these enrollment records are employment records and not PHI.
- Payment, claims adjudication and case/medical management systems maintained by the Plan's insurers. The Plan's insurers are covered entities and maintain these records on their own behalf.

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- Reports that benefits staff receive from insurers and TPAs used for the Plan's operations purposes, such as evaluation and design, stop loss insurance, and benchmarking.
- Records used for research projects, such as participants' aggregate health trends.

**Protected Health Information:** Protected Health Information (PHI) is individually identifiable health information about an individual that relates to the past, present or future physical or mental health or condition of the individual. PHI includes not only information about health care treatment that an individual receives, but also information about whether the individual is covered by a health plan, what his or her health plan payments are, and who else in his or her family may be covered. If the information identifies the person, or can be used to identify the person (for example, a plan identification number), then it is PHI. To qualify as PHI, the information must be related to the Health Plan.

PHI does not include enrollment information found in CMU's employment records (whether held by CMU or its enrollment administrator). Enrollment information is defined under HIPAA Transaction standards, but is generally information such as name, address, social security number, elected coverage and cost of coverage. However, enrollment information will be considered PHI when it is in the hands of the Health Plan's third party administrators and in CMU's health plan records.

PHI includes information in written, oral or electronic form. It includes information that you obtain as a result of working with the Health Plan. PHI must be kept confidential. You should not discuss it with anyone, except as necessary to perform your duties related to the Health Plan.

**POLICY:**

CMU's policy is to allow individuals to fully exercise their individual rights under the Privacy Rules. For patients of health care services obtained through CMU, CMU will obtain information necessary for a response from its own records and those of any business associates who may also have responsive records. For those covered under a CMU self-insured health plan, CMU will obtain information from its own records; but when the PHI is held by an insurer, third party administrator, or third party provider, CMU will instruct the individual to make the request directly to the insurer, third party administrator, or third party provider.

**PROCEDURE:**

**1.0 Individual's Request to Inspect and Copy.**

- 1.1** The Privacy Rules give an individual the right to inspect and copy the PHI that CMU maintains about the individual in a Designated Record Set. The Carls Center and University Health Services will respond to an individual request for access to his or her Designated Record Set in accordance with the Privacy Rule requirements (see 45 C.F.R. 164.524). The Central Michigan University Flexible Health Plan will similarly respond to such requests for the information that it maintains, but for health plan claims information will refer individuals to the appropriate insurers or third party administrators.

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If an individual reports that a third party administrator has not properly handled the request, the Plan's Privacy Officer will be notified and will investigate the report under the Complaint procedures in Policy 12-4.

- 1.2** CMU may deny access to records when permitted under the Privacy Rule (for example, when in the professional judgment of a health care provider such disclosure would be harmful to the individual or to someone named in the record). When denying a request for access, in whole or in part, CMU will follow all procedures outlined in the Privacy Rules including timely notice to the individual and permitting a review of the determination where appropriate.
- 1.3** To the extent that a request seeks access to psychotherapy notes, the Privacy Rules specify that psychotherapy notes need not be provided to the individual, and that grounds for denial are not reviewable. Requests for access to psychotherapy notes require consultation with the treating mental health provider and the appropriate Privacy Officer.
- 1.4** The CMU unit receiving the request must act on a request for access within thirty (30) days of receipt; but for information that is not maintained or accessible on site, the unit may take up to sixty (60) days to respond. When response is not possible before the normal deadline, the unit may extend the deadline by no more than thirty (30) days with timely written explanation to the individual prior to the original deadline explaining the reasons for the delay and the date by which the unit will take required actions. CMU may have only one extension of time.
- 1.5** CMU may impose a reasonable fee for providing copies or summaries of PHI. If imposed, the fee will only include: (1) the cost of copying, including the cost of supplies for and labor of copying; (2) postage, when the individual has requested that the copy, or the summary or explanation, be mailed; and (3) expenses incurred in preparing an explanation or summary of the PHI, if the individual agrees. CMU will document all information required by the Privacy Rules and retain the documentation relating to the request and CMU's response for a period of six years.

**2.0 Individual's Request for Amendment.**

- 2.1** The Privacy Rules give individuals the right to request an amendment of their PHI that CMU maintains. The Carls Center and University Health Services will respond to an individual's request to amend records maintained in the Designated Record Set in accordance with the Privacy Rule requirements (see 45 C.F.R. 164.526), but if a record originated with another entity will refer the individual to that other entity. The Central Michigan University Flexible Health Plan will similarly respond to such requests for the information that it maintains, but for health plan claims information will refer individuals to the appropriate insurers or third party administrators. If an individual reports that an insurer or third party administrator has not properly handled the request, the Plan's

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Privacy Officer will be notified and will investigate the report under the Complaint procedures in Policy Number 12-4.

- 2.2** CMU health care providers involved in the individual's care may need to be consulted in order to evaluate whether a request for an amendment will be granted. CMU may deny a request to amend records when permitted under the Privacy Rule (for example, if CMU believes that the record is accurate or the record was created by another health care provider). When denying a request, in whole or in part, CMU will follow the requirements of the Privacy Rule, including providing timely notice and allowing the individual to submit a statement of disagreement.
- 2.3** CMU must either comply with or deny the individual's request for an amendment no later than sixty (60) days after receipt of the request. If CMU is unable to act on the amendment request within sixty (60) days after the receipt of the request, CMU may seek to extend the time for its decision no more than thirty (30) days if CMU, within the original 60 day time limit, provides the individual with a written statement of the reasons for the delay and the date by which CMU will make its decision. CMU may have only one extension of time.
- 2.4** If the request for an amendment is accepted, in whole or in part, CMU will comply with the Privacy Rules, including making reasonable efforts to inform others identified by the individual or other persons known to CMU that have relied upon or may in the future rely on the information being amended.
- 2.5** In the event CMU is informed by another health care provider, health plan, or business associate of an amendment, CMU must amend the PHI in its Designated Record Set that is the subject of that amendment.
- 2.6** CMU will retain the documentation relating to the request and CMU's response as required by the Privacy Regulations for a period of six (6) years.

**3.0 Individual's Request for an Accounting of Disclosures of PHI.**

- 3.1** The Privacy Rules give individuals the right to request an accounting of disclosures of their PHI. CMU's policy is to respond to such requests as required by the Privacy Rules. The Carls Center and University Health Services will respond to an individual's request for an accounting of disclosures of PHI in accordance with the Privacy Rule requirements (see 45 C.F.R. 164.528). The Central Michigan University Flexible Health Plan will similarly respond to such requests for the information that it maintains, but for information about disclosures relating to claims administration data will refer individuals to the appropriate insurers or third party administrators.

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- 3.2** An individual may request an accounting of disclosures for a period of time of up to six years from the date of the request, but the CMU unit receiving the request is generally not required to include in the accounting any disclosures for treatment, payment or health care operations. CMU must temporarily suspend an individual's right to receive an accounting of disclosures, in accordance with the Privacy Rules, to a health oversight agency or law enforcement official for the time specified by such agency or official, if such agency or official provides CMU with a written statement that such an accounting to the individual would be reasonably likely to impede the agency's activities and specifying the time for which such a suspension is required.
- 3.3** CMU must act on the individual's request for an accounting no later than sixty (60) days after receipt of such a request. When response is not possible before the normal deadline, the unit may extend the deadline by no more than thirty (30) days with timely written explanation to the individual prior to the original deadline explaining the reasons for the delay and the date by which the unit will take required actions. CMU may have only one extension of time.
- 3.4** CMU must provide the first accounting to an individual in any twelve (12)-month period without charge. If CMU receives a any subsequent request from the individual within the same 12-month period, CMU may impose a reasonable, cost-based fee, but must give the individual advance notice of the fee and the opportunity to withdraw or modify the request in order to avoid or reduce the fee.
- 3.5** CMU will document all information required by the Privacy Rules and retain the documentation relating to the request and CMU's response for a period of six (6) years.

**4.0 Individual's Request for Confidential Communications.**

- 4.1** The Privacy Rule permits individuals to request communications of PHI by alternative means or at alternative locations. The Carls Center and University Health Services will accommodate all such written requests that are reasonable as required under the Privacy Rule (see 45 C.F.R. 164.522(b)). The Central Michigan University Flexible Health Plan will similarly respond to such requests, but may require that the individual's request also contain a statement that disclosure of all or part of the information could endanger the individual.
- 4.2** The CMU unit receiving the request for confidential communications will only agree to accommodate the request with respect to communications sent by the unit. The CMU unit will require the individual to make separate requests to other CMU units that may also communicate with the individual. The CMU unit will also instruct the individual that CMU's agreement does not bind any other health care provider, insurer or third-party administrator and that the individual must make separate requests to all such entities that may communicate with him or her.

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**5.0 Individual's Request for Restrictions on Uses and Disclosures of PHI.**

- 5.1** The Privacy Rules give individuals the right to request that CMU restrict its uses or disclosures of their PHI beyond the restrictions imposed by the Privacy Rules.
- 5.2** The Privacy Rules do not require CMU to agree to any requested restrictions (see 45 C.F.R. 164.522(a)). CMU will generally not agree to a request to restrict a use or disclosure, as such requests may interfere with its ability to provide care, to supervise its clinical staff, to obtain payment for services, to administrate its health plans, or otherwise place an undue administrative burden on CMU's operations. A request for additional restrictions must be approved by the Privacy Officer of the unit receiving the request.
- 5.3** If CMU agrees to a particular restriction, CMU may not use or disclose PHI contrary to such restriction and CMU will document the restriction. Requests that an insurer, third party administrator or third party provider agree to a restriction must be made by the individual directly to the insurer, third party administrator or third party provider.
- 5.4** CMU, however, may use the restricted PHI, or may disclose such information to a health care provider to provide emergency treatment to the individual if the individual who requested the restriction is in need of emergency treatment and the restricted PHI is needed to provide the emergency treatment. CMU must request that such health care provider not further use or disclose the information.
- 5.5** CMU may rescind the restriction by providing notice in advance, but the rescission will only apply to PHI created or received after the notification unless the individual agrees to the termination or requests the termination. CMU must document all rescissions or terminations of such restrictions.

*Central Michigan University reserves the right to make exceptions to, modify or eliminate this policy and or its content. This document supersedes all previous policies, procedures or guidelines relative to this subject.*