

**Saint Mary's University of Minnesota**  
**Policy and Procedure: Requests for Access to PHI**

The Section 125 plan will provide individuals with access to inspect and obtain a copy of protected health information (PHI) about the individual that the Section 125 plan has in its records within 30 days of such a request. If necessary, the plan may extend this deadline by 30 days in a written statement to the individual that explains the reasons for the delay and the expected date of completion of the request.

If the request for access is for PHI that is not maintained or accessible by the plan on-site, the plan will provide access within 60 days of the request. If necessary, the plan may extend this deadline by 30 days in a written statement to the individual that explains the reasons for the delay and the expected date of completion of the request.

Requests for access are to be made in writing to the privacy officer. This requirement is to be specified in the plan's privacy notice.

The access is to be provided in the form or format requested by the individual, if it is readily producible, or, if not, in a readable hard copy form or such other form or format that is agreed to.

If the individual so agrees in advance to receive a summary or explanation of the requested information and agrees in advance to the fees that will be charged for the summary or explanation, the plan may provide the individual with a summary of the PHI requested or an explanation of the PHI requested.

A convenient time and place to inspect or obtain a copy of the PHI or mailing the copy of the PHI at the individual's request is to be arranged.

Reasonable cost-based fees may be charged for the supplies and labor of copying, for requested postage, and for preparing an explanation or summary of the PHI.

The privacy officer may deny an individual access to PHI without providing the individual an opportunity for review, if the PHI was obtained from someone other than a healthcare provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.

The privacy officer may deny an individual access to PHI provided the individual is given a right to have such denials reviewed in the following circumstances:

1. A licensed healthcare professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person.
2. The PHI makes reference to another person (other than a healthcare provider) and a licensed healthcare professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person.
3. The request for access is made by the individual's personal representative and a licensed healthcare professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

A denial is to be in writing and state the basis for the denial and explain the individual's right to a review of the denial and how to make a complaint under the plan's complaint procedure.

The review of any such denial will be performed by a licensed healthcare professional designated by the plan who did not participate in the original decision.