

## **13.90 Unrequested Medical Records**

### **A. Purpose.**

The purpose of this policy is to provide patient privacy protections for unrequested health care information provided to the departments of the City of Aberdeen (“the City”) which do not qualify as a “health care provider” and are not covered by the requirements of the Health Insurance Portability and Accountability Act (HIPAA) and the specific application of RCW 70.02 “Uniform Health Care Information Act” (UHCIA). All departments of the City not considered health care facilities or providers are subject to the requirements of this policy.

### **B. Definitions.**

The following terms shall have the meaning assigned to them below for the purposes of this operating policy:

“**Disclosure**” means any release, transfer, provision of access to, or divulging in any other manner of individually identifiable health information.

“**Health care information**” as defined in RCW 70.02, means any information, whether oral or recorded in any form or medium that identifies or can readily be associated with the identity of a patient and directly relates to the patient’s health care, including a patient’s deoxyribonucleic acid (DNA) and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

“**Health care provider**” means the City’s emergency medical services providing health care to patients and health care operations incident to the provisions of health care as defined by RCW 70.02.010.

“**Unrequested health care information**” means health care information received by the City which was not requested by the City unless authorized by the patient pursuant to RCW 70.02.030 or otherwise exempted under Chapter 70.02 RCW.

### **C. Policy on Acquisition**

In the event of receipt of unrequested health care information, the information should be immediately identified and date stamped upon its receipt. The recipient of the information is responsible for the security and retention or destruction of the information.

In the event the unrequested health care information was received from a health care facility or provider and subject to Chapter 70.02 RCW, the facility or provider shall be contacted. If the facility or provider agrees, the information can be destroyed by shredding. If the facility or provider does not agree to destruction or cannot be contacted, the information shall promptly be returned to the facility or provider with a letter identifying the information, its receipt by the City and disclosure that the health care

information has not been used or disclosed to any third-parties. The address located on the information shall be used for the return mail, if ascertainable, otherwise to the address requested to be used by the facility or provider or the facility or provider's commonly known address. The words "Confidential patient information subject to RWC 70.02" should be conspicuously posted on the envelope to be mailed.

**D. Policy on Security**

Unrequested health care information shall be secured until its return or destruction so as to ensure the information is not used nor disclosed by:

1. Storing the information in a secure location and file designated as "confidential."
2. Never leaving the information in an open file on an unattended desk or area.
3. Never keep an open file containing patient information on top of a desk or accessible at the end of the work day or shift.

**E. Policy on Retention and Destruction**

In the event the unrequested health care information is received from a person or entity that is not a health care facility or provider, the information shall be promptly destroyed by shredding and notice of shredding shall be provided to the sender by telephone or by mail at the address included on the information, if ascertainable.

**F. Notification to Individual**

1. If unrequested health care information is inadvertently disclosed, the City will inform the person(s) who is the subject of the health care information that their health care information was disclosed within fifteen (15) calendar days of discovery of such inadvertent release.
2. The notice shall include:
  - a. The name of the person(s) identified in the health care information,
  - b. Proximate date of its receipt by the City,
  - c. The name and address of the facility or provider that provided the unrequested health care information, if available,
  - d. A brief description of the disclosure by the third party,
  - e. Whether the information has been destroyed or returned, and
  - f. A contact at the City for questions.

**G. Posting**

This policy will be posted on the City's website pursuant to RCW 70.02.290.