

## 1. Introduction

If your firm has not received records for a Patient-to-Self or Patient Directed request after the 30-day response period and the Arctrieval system issued a final notice, then the request needs to be escalated to within the contact's organization.

The Arctrieval system issues a final notice at 37 days and provides an additional 2-day grace period for the healthcare provider to contact your office. The final notice is sent after multiple correspondence documents were sent to the contact as shown below.

Request Type	Patient Direct to 3 <sup>rd</sup> Party	Patient to Self
Initial Request	Day 0	Day 0
Initial Request 2 <sup>nd</sup> transmission	Day 3	Day 3
Due date reminder notices	Day 15	Not applicable
Notice of Potential Violation	Day 30	Not applicable
Final Notice	Day 37	Day 37

When escalating the request, the key point to communicate to anyone at the contact organization regarding a delinquent request is they are required by Federal Law to respond to the request within 30 days under. Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) 45 CFR 164.524 (b)(2), the covered entity (healthcare provider) must respond to the request withing 30 days.

If the contact has not responded within the 30-day timeframe, they:

- violated the patient's rights, broke the law,
- denied access to the patient's protected health information,
- will be referred to the Office of Civil Right within the Department of Health and Human Services,
- will be contacted by an OCR investigator,
- and are subject to monetary penalties.

If you do not get results, after an initial conversation with the staff in the medical records department or office staff at a smaller provider office you will need to ask for their manager. When escalation and follow-up is necessary, speaking to the correct person in the chain of command will produce better results. The titles of people to ask to speak to include:

- Chief Privacy Officer
- Hospital CEO or COO
- Hospital Risk Management or Quality Assurance Department
- Director of Medical Records
- Office Manager

## 2. Patient Directed to 3<sup>rd</sup> Party

When speaking or leaving a message as part of the escalation process, you will communicate the following information:

My name is (first name), I am with (firm name) and I can be reached at (telephone number).

I am calling about a patient directed request issued to (contact organization) on (initial request date) by (patient name) with a date of birth (date of birth).

We have not received the records. Your response is now # days past the 30 day response requirement provided by HIPAA law.

In addition to the initial request, we sent 3 additional correspondence letters.

I'd like to resolve the matter without filing a complaint with the OCR. Are you able to assist me?

## 3. Patient to Self

When speaking or leaving a message as part of the escalation process, you will communicate the following information:

My name is (first name), I can be reached at (telephone number) and I am calling on behalf of your patient (patient name).

(Patient Name) sent a request to (contact organization) on (initial request date) for a copy of their records. Their date of birth is (date of birth).

(Patient Name) has not received their records and your response is now X days past the 30-day response requirement provided by HIPAA law.

(Patient Name) would like their records and not have to file a complaint with the OCR. Can you tell me when you will send or have sent the records to (patient name).