

# **SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT #1**

## **POLICY REGARDING PUBLIC RECORDS REQUESTS**

It is the policy of San Juan County Public Hospital District No. 1, to release records of the District in compliance with the Public Records Act (the “Act”), set forth at Chapter 42.56 RCW, and any other applicable provisions of federal or state law.

### **I. OVERVIEW OF THE PUBLIC RECORDS ACT**

#### **A. Purposes of the Policy**

The purposes of this policy are to: (1) describe the organization of the District; and (2) comply with 42.56 RCW, the Public Records Act. Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the District. The District reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

This policy shall be available at the Frank Wilson EMS Building in Friday Harbor.

#### **B. Definitions**

1. “Act” refers to the Public Records Act, at Chapter 42.56 RCW.
2. “District” refers to San Juan County Public Hospital District No. 1.
3. “Health Care Information” means “individually identifiable health information” as defined in 42 U.S.C. 1320d(6) and any information “that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care” under RCW 70.02.010.
4. “Main Office” is defined in Section I.C of this Policy.
5. “Policy” refers to this policy for the Public Records Act.
6. “Public Records Officer” is the person identified in Section II.A.1 of this Policy
7. “Quality Improvement Information” means information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040.

8. “Records Request” means a request for Public Records made to the District pursuant to the Act.

9. “Requester” means the person or entity that has made a Records Request to the District.

### **C. Organization of the District**

The District’s Main Office is located at:

San Juan Island Emergency Medical Services (SJIEMS)  
540 Spring Street  
Friday Harbor, WA 98250  
360 378-5152 ext 0  
office@sanjuanems.org

All Record Requests shall be inspected at the Main Office. The Main Office is open 9am-to-5pm, Monday through Thursday, except legal holidays.

The District consists of the Inter Island Medical Center and San Juan Island EMS.

The District is managed by a Board of Commissioners.

## **II. GUIDELINES**

### **A. Public Records Request**

#### **1. Public Records Officer.**

The District’s Public Records Officer, Cady Davies, San Juan Island EMS Administrative Assistant, may be contacted in person at the Main Office by phone, e-mail, or via first class mail addressed to the Public Records Officer at the Main Office.

#### **2. How to Make a Public Records Request.**

Public records may be inspected or copies of Public Records obtained by the public at the District’s Main Office upon compliance with the following procedures:

(a) The District encourages that all requests be made in writing and directed to the Public Records Officer. Requests may be mailed, e-mailed or delivered in person to the Main Office. In-person requests must be made during the Main Office’s normal business hours. A request form, prescribed by the District, will be available at the Main Office. The request should include the following information:

- (i) The name and address of the Requester;
- (ii) The date of the request;

(iii) A detailed description of the public record(s) being requested;

(iv) Whether the Requester wants copies, or wants to inspect the requested records;

(v) The address where copies are to be mailed (if copies are requested);

(vi) A statement regarding whether the records are being requested for a commercial purpose; and

(vii) Signature of the Requester.

(b) When a Records Request is made orally, the District will generally confirm the request in writing in its initial 5-day response. Any such request must be made during the Main Office's normal business hours.

## **B. Procedure for Response to Request**

Only Public Records as defined by RCW 42.56.010 are subject to disclosure. Requests for Health Care Information or Quality Improvement Information shall be forwarded to the District's Medical Records Officer and handled pursuant to the Health Care Information Addendum to this plan. In such situations, the Public Records Officer shall notify the Requester within five (5) days that the request has been forwarded and provide the Requester with a contact person who will be handling the request.

1. **Response.** The District shall respond promptly to a Records Request. Within five (5) business days of receiving a Records Request, the District shall respond by:

(a) Notifying the Requester that the documents are available; or

(b) Acknowledging the request in writing and providing a reasonable estimate of the time the District will require to respond to the request; or

(c) Denying the Records Request.

2. **Large Requests.** When a Records Request is for a large volume of records, the District may elect to provide records on an installment basis. If a Requester does not contact the Public Records Officer within fifteen (15) days to arrange for the review of the first installment, the District may deem the request abandoned and stop fulfilling the remainder of the request.

3. **Notice to Third Parties.** If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the District may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The District may take this into account when providing an estimate for when the records will be available. The District should also review any contracts with third parties that may contain special notice provisions.

## C. Exemptions

1. **Exemptions.** After the District has gathered responsive records, the District will determine whether an exemption applies to all or part of the record. The District need not make available for inspection and copying Public Records exempt from public inspection and copying under Chapter 42.56 RCW and other records exempt from public inspection and copying under state or federal statute or regulation, including but not limited to:

- (a) Records that are protected by trade secrets law;
- (b) Personal information in files maintained for board members and District employees to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security number, voluntary deductions, marriage status, number of dependents, and any garnishment deductions;
- (c) Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the board in connection with any board action;
- (d) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;
- (e) The residential addresses and telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers;
- (f) Records obtained by the District related to the impaired physician program pursuant to RCW 18.71.300 through .340;
- (g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095;
- (h) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; or
- (i) Any record which is exempt from disclosure under state or federal law.

The District shall not make available for inspection and copying the following categories of Public Records:

- (j) Quality improvement and medical malpractice prevention program items (including but not limited to information gathered pursuant to or protected

by: RCW 42.56.360, RCW 4.24.250, RCW 18.20.390, RCW 43.70.510, RCW 70.41.200, RCW 70.44.062, RCW 70.56.020, RCW 70.56.040, RCW 74.42.640);

(k) Medical records, except as allowed by the Health Care Information Act, chapter 70.02 RCW, The Health Insurance Portability and Accountability Act (“HIPAA”), Public Law No. 104-191, 110 Stat. 1936 (1996), and all applicable federal and state regulations.

#### **D. Copying Public Records**

No fee shall be charged for the inspection of Public Records.

1. **Copies of non-medical records.** For records not containing Health Care Information, the District will charge one or more of the following charges:

- (a) Fifteen cents per page for standard black-and-white copies;
- (b) The actual cost of copying for any non-standard copies or items, including the charge for staff time necessary for making such copies at a rate of \$10 per hour;
- (c) Cost of taxes actually charged by any third-party vendor used to make copies; and
- (d) Postage and shipping costs, including the cost of any containers used in shipping.

The Public Records Officer may elect to waive these fees. Fees will be waived when the expense of billing exceeds the cost of copying and postage.

2. **Deposits.** Before copying any record, the District may charge a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the District may charge for each installment. If an installment is not claimed and paid for within fifteen (15) days, the District is not obligated to fulfill the balance of the Records Request.

#### **E. Inspection of Records**

1. **Notice.** Once the Public Records Officer has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records, and has prepared an exemption log, the Public Records Officer shall notify the requestor that the records are available.

2. **Response by Requester.** If the Requester does not contact the Public Records Officer to arrange for payment of the copies or for review of the records within fifteen (15) days after the Notice of Availability Letter was sent, the District may consider the Records Request abandoned, unless the Requester seeks an additional amount of time to review the records.

3. **Protection of Records.** In order that Public Records maintained on the premises of the District may be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:

(a) No Public Records shall be removed from District's Main Office without the Public Records Officer's permission;

(b) Inspection of any Public Records shall be conducted in the presence of the Public Records Officer or designated staff;

(c) No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;

(d) Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by District staff; and

(e) Public records of the District may be copied only on the copying machines of the District unless other arrangements are made by the Public Records Officer.

4. **Loss of Right to Inspect.** Inspection shall be denied and the records withdrawn by the Public Records Officer if the Requester, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the District.

5. **Closing the File.** Once all copies of requested records have been provided to the Requester, the Requester has reviewed the requested records, or fifteen (15) days have passed since the Requester was notified that the records were available and the Requester has failed to contact the Public Records Officer to arrange for the review of those records or for payment for copies, the Public Records Officer shall treat the request as closed.

#### **F. Index of Public Records**

For the reasons stated in Resolution 08-317, incorporated herein by reference, the District finds that it would be unduly burdensome and would interfere with District operations to maintain an index of records. The District will make available for public disclosure all indices which may at a future time be developed for District use.

#### **G. Disclaimer of Liability**

Neither the District nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as

“shall” or “will,” nothing in this policy is intended to impose mandatory duties on the District beyond those imposed by state and federal law.

## **Public Records Act Policy**

# **Health Care Information Addendum**

### **A. Health Care Information**

In addition to the requirements of the Public Records Act, all Records Requests for Health Care Information or Quality Improvement Information shall be governed by the Health Care Information Act, chapter 70.02 RCW, the Health Insurance Portability and Accountability Act (“HIPAA”), Public Law No. 104-191, 110 Stat. 1936 (1996), and all applicable state and federal laws and regulations.

1. **Request for Medical Records in General.** When the District receives a Public Records Request for records containing Health Care Information, the Public Records Officer shall ensure that Medical Records Personnel have redacted all such Health Care Information before the records are produced, except where authorized by law. When considering any request for Health Care Information, the Public Records Officer and Medical Records Personnel shall consider the Legislature’s findings in RCW 70.02.010:

(a) Health Care Information is personal and sensitive information that, if improperly used or released, may do significant harm to a patient's interests in privacy, health care, or other interests.

(b) In order to retain the full trust and confidence of patients, health care providers have an interest in assuring that Health Care Information is not improperly disclosed and in having clear and certain rules for the disclosure of health care information.

2. **Third Party and Patient Requests for Medial Records Under the Public Records Act.** All third-party and patient requests for Health Care Information shall be governed by the District’s Public Records Policy.

3. **Request Made On Patient’s Behalf.** Health care information shall be released to a third party if the patient has executed an authorization that complies with RCW 70.02.030 and 45 CRF 164.508.

### **B. Additional Exemptions Under the Public Records Act**

The District shall not make available for inspection and copying public records described in Chapter 42.56 RCW and other records exempt from public inspection and copying by state or federal statute or regulation, including but not limited to:

1. Quality improvement and medical malpractice prevention program items (including but not limited to information gathers pursuant to or protected by: RCW 42.56.360, RCW 4.24.250, RCW 18.20.390, RCW 43.70.510, RCW 70.41.200, RCW 70.44.062, RCW 70.56.020, RCW 70.56.040, RCW 74.42.640);

2. Medical records except as allowed by the Health Care Information Act, chapter 70.02 RCW, The Health Insurance Portability and Accountability Act (“HIPAA”), Public Law No. 104-191, 110 Stat. 1936 (1996), and all applicable federal and state regulations;

3. Records obtained by the District related to the impaired physician program pursuant to RCW 18.71.300 through .340;

4. Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095; and

5. Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170.

### **C. Records Containing Health Care Information**

Prior to making any Medical record or other public record available for copying or inspection, the District shall redact all Health Care Information. All “individually identifiable health information” as defined in 42 U.S.C. 1320d(6) and any information “that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care” under RCW 70.02.010 shall be redacted. Such information includes but is not limited to the following identifiers of the individual or of relatives, employers, or household members of the individual:

(a) Names;

(b) All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census:

(1) The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and

(2) The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.

(c) All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;

(d) Telephone numbers;

- (e) Fax numbers;
- (f) Electronic mail addresses;
- (g) Social security numbers;
- (h) Medical record numbers;
- (i) Health plan beneficiary numbers;
- (j) Account numbers;
- (k) Certificate/license numbers;
- (l) Vehicle identifiers and serial numbers, including license plate numbers;
- (m) Device identifiers and serial numbers;
- (n) Web Universal Resource Locators (URLs);
- (o) Internet Protocol (IP) address numbers;
- (p) Biometric identifiers, including finger and voice prints;
- (q) Full face photographic images and any comparable images;
- (r) Any other unique identifying number, characteristic, or code; and
- (s) Any information could be used alone or in combination with other information to identify an individual who is a subject of the information.

**D. Copies of Records Containing Health Care Information.**

1. **Charges.** If a request for information is made pursuant to chapter 70.02 RCW, rather than the Public Records Act, the charges are governed by 45 CFR 164.524 and are limited to a reasonable, cost-based fee that only includes the cost of:

(a) Copying, including the cost of supplies for and labor of copying, the protected health information requested by the individual;

(b) Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and

(c) Preparing an explanation or summary of the protected health information, if agreed to by the individual as required by 45 CFR 164.524(c)(2)(ii).

2. **Additional charges.** If the provider personally reviews confidential information from the record with the patient, as required by statute, the provider can charge the usual fee for a basic office visit.