

SECTION 15

CONFIDENTIALITY OF MEMBER RECORDS

Health care providers, including Kaiser Permanente are legally and ethically obligated to protect the privacy of members. Kaiser Permanente requires that providers keep its members' medical information confidential. This requirement is based on state and federal confidentiality laws, as well as policies and procedures created by Kaiser Permanente.

Contracted providers for Kaiser Permanente may not use or disclose the personal health information of a Health Plan member, except as needed to provide medical care to members, to bill for services or as necessary to regularly conduct business. Personal health information (PHI) refers to medical information, as well as information that can identify a member, including a member's address and telephone number.

Medical information may not be disclosed without the authorization of the member, except when the release of information is either permitted or required by law.

15.0 ACCESS TO MEDICAL/CLINICAL RECORDS

Except as otherwise provided by law or as authorized by the member or legal representative, only authorized provider office personnel who have a need to know a member's confidential health care information may have access to member records.

Personal and medical/clinical information may not be discussed except by appropriate personnel in a location that assures confidentiality.

Medical/clinical records must be located in a secured area away from member access. A mechanism must be in place to identify which records have been removed from the files.

15.1 MEDICAL/CLINICAL RECORD RELEASE

Patient information may not be released without the signed consent of the member (or legal representative) or pursuant to a valid subpoena or court order, or except as otherwise provided by law. Kaiser Permanente is authorized, by contractual agreement with providers and our members to obtain and review medical/clinical records, billing information, financial and other related records in the administration of programs for all of our members.

Upon showing proper identification, authorized Kaiser Permanente personnel related to the following processes may have access to the above information:

- Automated data processing of designated information
- Audits of records for the purposes of monitoring and evaluating the quality and appropriateness of member care
- Resolution of complaints, grievances, or appeals
- Official surveys for compliance with accreditation, regulatory and licensing standards
- Preventive health and clinical studies

Only copies of the original medical/clinical records should be released except when originals are expressly required by a court order of subpoena and copies will not be accepted. When the original records are required, a signed receipt should be obtained, and a copy of the records

kept on file.

In the course of normal business, when confidential information must be faxed to an individual within or outside Kaiser Permanente the fax coversheet must state that the information is confidential.

If the member wishes to release medical/clinical records to a new provider or another provider, they must sign a release in person and may not authorize the release of information by telephone.

Before records are released in response to a subpoena, the subpoena must be reviewed for legal sufficiency.

15.2 MEDICAL/CLINICAL RECORD RETENTION

Records must be maintained for the period required by applicable law, but in no event less than seven years from the later of the date of service.