

## 12 - Confidentiality and Medical Records

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### 12.1 Confidentiality

It is the policy of Sierra Health & Life (SHL) to protect the confidentiality of enrollee and patient information in a manner that is consistent with the needs to conduct business, but does not divulge more information than is necessary to accomplish the task. SHL routinely shares information with individuals or entities when necessary to coordinate enrollee health care or administer enrollee health benefits. We also share enrollee information when required by state or federal law or regulation. In all other instances, SHL requests authorization from the individual before we share protected health information. Our Notice of Privacy Practices, which is delivered to enrollees upon their enrollment, available upon request, and posted on our website, describes in detail the ways in which we use protected health information.

SHL has implemented mechanisms to guard against unauthorized or inadvertent disclosure of confidential information to persons inside and outside the organization to whom such disclosure is not authorized in accordance with plan policies and procedures. SHL uses a variety of security precautions to protect any information or data that contains personal facts and health information about our enrollees, including medical records, claims, benefits and other administrative data that are personally identifiable, either implicitly or explicitly. Just a few of the precautions SHL takes include electronic security systems and release of information only by certain levels of management. For example, when transmitting data, SHL operates under policies and procedures that may require dedicated fax lines, use of an encryption format, password protection or other secured methods.

It is also SHL's policy to afford enrollees the opportunity to authorize to or deny the release of personally identifiable medical or other information by SHL, except when such authorization is not required by law or regulation. When enrollees request specific enrollee-identifiable records be shared with others for reasons other than treatment, payment, or health care operations, SHL will require them to sign an Individual Authorization Form. SHL may also ask enrollees to allow release of personal data for non-routine uses of personal data. Of course when we ask our enrollees for individual authorization forms, they have the right to refuse. This step authorizes SHL to release protected health information and explains to enrollees how and with whom their personal information will be shared.

SHL may share protected health information with an enrollee's employer (if the enrollee is covered a group health plan) only if the employer agrees to use the information exclusively for plan administration functions. Plan administration functions include actions such as eligibility and enrollment functions, claims processing, auditing, monitoring, and management of carve-out plans - such as vision and dental benefits. In order to receive protected health information from SHL, employers must certify that they will not use the information for employment-related activities.

SHL uses medical data to monitor and improve the quality of care our enrollees receive. Our Quality Initiatives must be approved by the Quality Improvement Committee and the privacy policies guide the use and release of any personal information. When conducting research and measuring quality, SHL does so using summary information whenever possible, not individual patient information. When SHL does use patient information, we take steps to protect it from inappropriate disclosure. For example, we use blinded medical records when possible and we

require everyone involved in collecting data to sign a confidentiality agreement. We do not allow individually identifiable data to be used for research by organizations outside SHL without our enrollees' authorization.

SHL's policy to protect the confidentiality of enrollee/patient information impacts all internal departments that use enrollee identifiable information, external entities to which enrollee identifiable information is released, and any entities to which health plan functions have been delegated.

SHL also requires contracted providers of care to take similar steps to ensure that enrollee/patient health care information remains confidential. SHL requires practitioners and institutional providers take steps to:

- Protect all confidential information concerning SHL enrollees.
- Protect the privacy of all enrollees and third parties, including families of enrollees.
- Maintain confidentiality of all health related information, except when disclosure is needed for emergency care and/or treatment, or required by law.
- Disclose patient-identifiable information for any reason other than treatment, payment or health care operations only upon receipt of a valid authorization, or as stipulated by law.
- Apply confidentiality procedures to any information that could disclose medical conditions, such as claims or case management notes.
- Have specific procedures to provide for confidentiality of electronic records, mail, e-mail, and facsimiles.
- Promote patient privacy, dignity and respect, such as positioning exam tables face away from doors and placing curtains, doors, blinds, etc., in exam rooms to protect privacy.
- Provide an area where financial, insurance, or medical discussions will not be overheard by other patients.
- Identify a person responsible for maintaining the confidentiality of medical records.
- Provide for secure storage of confidential information.
- Store records in a separate room or area without public access and ensure they cannot be removed without being seen.
- Release medical records according to written policy that includes tracking and confidentiality of the record.
- Implement procedures to disclose information on an identified need-to-know basis only.
- Prior to the release of personal health information, obtain a signed authorization to release information from the enrollee or their authorized representative when such authorization is required by law or regulation.
- Release information only to authorized individuals.
- Allow patients to add a statement to their record upon request.
- Provide for secure disposal of confidential information that is no longer needed, such as shredding of obsolete documents.
- Have a policy in place that describes where records will be stored if the office practice is permanently closed.
- Require that employees sign confidentiality statements.

## 12.2 Medical Records

It is SHL's policy that enrollees have a right to access their medical records, as allowed by law. Members who contact SHL requesting access to their medical records will be instructed to contact their providers of care, and when necessary, SHL will assist the member in obtaining their records.

## 2021 SHL Provider Summary Guide

SHL requires its contracted practitioners and institutional providers to have policies and procedures that describe how and under what circumstances medical records are made available to their patients.

Providers are expected to remain in compliance with CMS guidelines and retain patients' medical records in compliance with the Centers for Medicare and Medicaid Services (CMS) medical record retention requirement. Since January 2009 the CMS medical record retention requirement has been ten (10) years. Please understand that this medical record retention requirement is subject to change at the discretion of CMS and it is each provider offices' responsibility to ensure compliance with any future modified medical record retention requirements mandated by CMS.