

POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION	POLICY NUMBER A.11.1	PAGE NUMBER 1 of 4
	RELATED NCCHC and ACA STANDARDS: P-A-11	
CHAPTER: 11 BUREAU OF CORRECTIONAL HEALTHCARE SERVICES	SUBJECT: INQUIRIES, COMPLAINTS AND RECORDS REQUESTS FROM ATTORNEYS, FAMILIES OR ADVOCACY AGENCIES CONCERNING MEDICAL CARE	
EFFECTIVE DATE: 12/27/2012	REVISED: 12/27/2012; 5/24/13; 2/13/14; 7/31/14	
APPROVED FOR PUBLIC RELEASE		

- I. AUTHORITY: Bureau of Correctional Healthcare Services (BCHS)
- II. PURPOSE: To ensure that BCHS responds to inquiries and records requests concerning inmates in a timely and appropriate manner.
- III. APPLICABILITY: All BCHS employees, contractor medical, mental health and pharmacy staff servicing DOC offenders.
- IV. SUMMARY OF CHANGES:
- A. The revision adds the requirement that copies of records will be responded to with an electronic version of the record, paper copies will not be supplied and updates the attachment of contact points.
 - B. Provides an option of requesting a complete medical record or portions of a record with differences in associated administrative and scanning charges.
 - C. The Family Services Coordinator is designated as the office that records requests for medical information and to whom medical information is sent.
- V. DEFINITIONS: See Glossary
- V. POLICY:
- A. All inquiries and complaints from attorneys, family or an advocacy agency that are not part of the Grievance System will be tracked by the Family Services Coordinator and answered by the medical services or mental health services vendors with a copy of the response to the Family Services Coordinator.
 - B. Any inquiry from the Courts or Commissioner of the Department of Correction will be forwarded to the medical services or mental health services vendor for evaluation and documentation provided to the Family Services Coordinator and BCHS who will answer the inquiry.

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- C. All requests for medical, mental health and substance/alcohol abuse records will be processed by the Administrative Specialist, Bureau of Correctional Healthcare Services.
- D. The Family Services Coordinator is designated as the office that records HIPAA requests for medical information and to whom medical information is sent.
- E. Each Level 4 and Level 5 facility will develop a site-specific procedure for implementing this policy and coordinating the procedure with BCHS.

VI. BCHS PROCEDURES:

- A. Anyone in BCHS who receives an inquiry from an attorney, family or an advocacy agency may initiate the response process by forwarding the inquiry to the Vendor through their Regional Office with the offender's name in the subject line with a copy to the Family Services Coordinator. The Vendor will ensure that a current and properly annotated HIPAA form is on file, and will respond to the inquiry within seven (7) working days with a copy to BCHS if there is a HIPAA form signed. If there is no HIPAA form signed allowing the inquiring party to receive the information the Vendor will ask the offender if they wish to sign a HIPAA form releasing the information to the inquiring person.
- B. The initial actions for an inquiry from the Courts or Commissioner of the Department of Correction will be the same, except that the Vendor will forward the response and supporting documentation to the Family Services Coordinator and BCHS to reply to the inquiry. Responses on inquiries originating from the Commissioner's Office will be forwarded to the Commissioner by BCHS and the Family Services Coordinator to close the case after completion.
- C. When a request for offender medical records is received, the request is logged in a database maintained by BCHS and forwarded to the proper facility with a copy to the Vendor Supervisor of Records. The request will include the offender's name, SBI number and nature of chart copy requested. If part of the record has been archived, the Senior Fiscal Administrator will request the chart from Central Archives. Once the completed chart has been obtained, it is forwarded to the requesting party by either State Courier, OMB Messenger Services for USPS mail, fax, or they may be picked up from BCHS directly.

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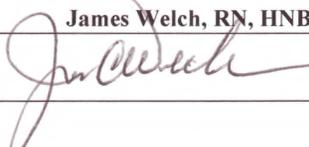
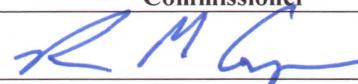
D. If a request for medical, mental health or substance abuse/alcohol records is received at a Level 4 or Level 5 facility, the request will be mailed to the BCHS Administrative Specialist along with the HIPAA form signed and copies of all records that are being requested.

E. CHARGES

1. Record requests will be responded to with electronic copies only.
2. Record requests made by former offenders, Power of Attorney, private attorneys or medical facilities other than the Primary Care Physician are chargeable at \$.35 per page for a complete set of records. Once records are received from site, BCHS will calculate the charges and draft an invoice to the requestor. The records are released once payment has been received. A copy of the invoice is kept on file.
3. If only specific portions of the medical record are requested, an alternative to the \$.35 per page is the BCHS staff will provide a good faith estimate of how long it will take to find the requested documentation based upon an administrative fee per quarter-hour and \$0.10 per page.
4. Record requests from the Primary Care Physician, Courts, Public Defender Office, Department of Justice, Veteran Affairs, Social Security Administration or any other State or Federal Agencies do not carry a charge.

F. The original chart request, copy of any subpoena, copy certifications, chart invoice and any related correspondence will be maintained in BCHS for up to six (6) months for future reference, and the database closed for the request. Electronic copies of all documents sent to requestors will be maintained by BCHS in case there is question concerning what was sent to the requestor.

Approval:

BCHS Bureau Chief, James Welch, RN, HNB-BC	Date	Robert Coupe Commissioner	Date
	9/3/14		9/3/14

Attachment 1

Current contact points for initiating an inquiry from attorneys, family or an advocacy agency;

For all inquires the Family Services Coordinator must be included;

Chelsea Hicks chelsea.hicks@state.de.us

Connections:

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