



POLICY:

It is the policy of Willapa Harbor Hospital to release records of the Public Hospital District NO 2, in compliance with the Public Records Act, set forth at RCW 42.56, and WAC 42.17.310, and any other applicable provisions of federal and state law.

Public Records Definition

Public record is defined under the Public Records Act to include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned used or retained by the District regardless of form or characteristics. RCW 42.56.010(3). Writing is defined under The Act as: handwriting, typewriting, printing, photocopying, photographing, and any other means of recording any form of communication or representation including but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, or other documents including existing data compilations from which information may be obtained or translated.

PROCEDURE:

How to Request Records

Willapa Harbor Hospital's public records officer is the Director of Compliance, or if unavailable, the Administrator (per RCW 42.56.580) The name and contact information for the Director of Compliance is available on Willapa Harbor Hospital's website. No official format is required for making a records request; however, Willapa Harbor Hospital recommends that requestor submit requests as follows

- The requester may submit a completed [Public Records Request Form](#) in person to the Administration office, or
- The requester may mail his or her written request to the Administration office (P.O. Box 438 South Bend, WA 98586)

All requests for public records must include the name, address and telephone number of the requester and detailed information necessary to readily identify the public records requested.

How to Request Patient Medical Records:

Patient medical records are exempt from disclosure under the Public Records Act. Patient records are the property of the Willapa Harbor Hospital, and the confidence of the record is the right of the patient. Confidential information from Health Information Management may be released only under certain conditions and only with the proper authorization. Requests for copies of patient records are processed by the Health Information Management Department. Please refer to all H.I.M. policies and procedures related to approve release of information. Additional clarification can be found in the WASHINGTON STATE HEALTH INFORMATION MANAGEMENT ASSOCIATION (WSHIMA) LEGISLATIVE Manual.

Procedure and Response to Request

All requests will be reviewed by the Director of Compliance or in the event that that person is unavailable, the Administrator.

Within five business days of the receipt of a records request, the Hospital shall conduct the review outlined below and respond to the requestor in writing as specified therein. If the District anticipates being unable to conduct the review described below within the five-day timeframe, the Hospital shall respond to the requestor within five business days and acknowledge receipt of the request and give a reasonable estimate of the time to conduct the initial evaluation.

Willapa Harbor Hospital may notify the requestor of a delay in providing records within five days in order to:

- Clarify the intent of the request;
- Locate and assemble the information requested;
- Notify third parties or agencies affected by the request; or
- Determine whether any of the information is exempt and whether a denial should be made as to all, or part, of the request.

Upon receipt of a records request the Hospital shall take the following steps:

1. Determine whether part or the entire request is unclear. For any part of the request that is unclear, the hospital shall ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the District will not respond to it. For all portions of the request that do not require clarification, the District shall complete the steps below.
2. Determine whether the request is for an identifiable existing record. The Public Records Act does not require the hospital to compile or create new record based on a public record request. If a request does not identify an existing record, the District shall so inform the requestor. A request for all or substantially all records prepared, owned, used, or retained by Willapa Harbor Hospital is not a valid request for identifiable records.
3. Determine whether the request is for a Public Record (as defined by RCW 42.56.010(3)). If the request is not for a Public Record, the District shall so inform the requestor.
4. If the request is for an identifiable Public Record, the hospital shall determine whether an exemption applies to all or part of the record. The district need not make available for inspection and copying those public records which are specifically exempted from disclosure by provisions in Chapter 42.56 RCW or that are specifically exempted from public inspection and copying by other state or federal regulations.

Some records NOT available for public inspection and copying including, but not limited to:

Records which include:

- Patient Medical Records
- Patient Charts
- Physician Application Files
- Quality Assurance Files
- Quality Assurance Meeting Minutes
- Personnel Files
- Personnel Evaluations
- Employee Health Files

5. Within five business days of receipt of a request (or within the time specified by Willapa Harbor Hospital in its initial response to the requestor), and after completing the above review, the District shall respond to the requestor in writing.

This response shall:

- Provide the record.

- Provide an internet address and link on the Hospital's website to the specific records requested, except if the requestor notifies the agency that he or she cannot access the records through the internet, in which case the District must provide copies or access to the internet.
- Acknowledge receipt of the request and providing a reasonable estimate of the time the Hospital will require to respond to the request to make them available for inspection or copying.
- Deny the request. If all or part of the request is denied, indicate which parts are denied and briefly state the reason(s).
- If necessary, ask for clarification of all or part of the request.
- Once records are produced and/or ready for production, the Hospital shall notify requestor of applicable fees, as appropriate per Fee for Copies of Records section below.

Request for Records Denial

If Willapa Harbor Hospital denies the request in whole or in part, the requester may submit the request again within five business days for reconsideration along with a short statement explaining why the requester believes the request should be granted. The above response to request procedure will apply to reconsideration request. Upon request for reconsideration, the original person conducting the review and the Administrative Assistant of the District shall review the request and, as appropriate, consult legal counsel. If there is a request for reconsideration of a request that has been denied, Willapa Harbor Hospital will review and complete this process within two business days. If a records request is still considered denied Willapa Harbor Hospital denial is considered final and requestor can seek court review.

Release of Records

If the request is for the inspection of records, the compiled records shall be available for inspection during the following equal business hours in the administrative offices between the hours of 8:00 am and 4:00 pm. No original documents shall be removed from the hospital. There is no charge to inspect documents. If the requester asks that copies be mailed, the Hospital shall notify the requester of the shipping charges and any balance owed for copying.

Charges (see below). The requester must tender the shipping charges and the balance of the copying owed before the records will be mailed if applicable.

Fees for Copies of Records

In accordance with RCW 42.56.120 Willapa Harbor Hospital has a fee schedule for copies of requested public records. The following charges shall apply:

- (i) Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of Willapa Harbor Hospital equipment to photocopy public records;
- (ii) Ten cents per page for public records scanned into an electronic format or for the use of Willapa Harbor equipment to scan the records;
- (iii) Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
- (iv) Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of Willapa Harbor Hospital equipment to send the records electronically. Willapa Harbor Hospital shall take reasonable steps to provide the records in the most efficient manner available to the Willapa Harbor Hospital in its normal operations; and

(v) The actual cost of any digital storage media or device provided by Willapa Harbor Hospital, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

Willapa Harbor Hospital will not impose copying charges for access to or downloading of records that the Willapa Harbor Hospital routinely posts on its public internet web site prior to receipt of a request unless the requestor has specifically requested that Willapa Harbor Hospital provide copies of such records through other means.

A requestor may ask Willapa Harbor Hospital to provide a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

In addition to the charge imposed for providing copies of public records and for the use by any person of Hospital equipment copying costs, Willapa Harbor Hospital may include a customized service charge. A customized service charge will only be imposed if the Willapa Harbor Hospital estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by Willapa Harbor Hospital for other purposes.

The customized service charge is to reimburse the Willapa Harbor Hospital up to the actual cost of providing the services.

Willapa Harbor Hospital will not assess a customized service charge unless requestor is notified of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice also will provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

In the event the estimated cost of providing copies of requested records will exceed \$25, the district may require the requestor to provide a deposit not to exceed 10% of the estimated cost before the request will be processed.

In the event the amount paid exceeds the costs for the copies the excess balance is refunded at the time of delivery of the copies.

All requests for copies of public records shall be accompanied by payment before the record will be released. If the person submitting the request asks that the copies be mailed, the shipping charges shall be determined and added to the balance. The balance must be paid prior to shipping.

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Electronically Stored Data and Information

Public records in the form of information or data which is electronically stored (on the memory of a computer, a diskette, a magnetic tape, a compact disk, or in other similar ways) shall be subject to public inspection and copying in the following manner:

The process for requesting electronic records is the same as for requesting paper public records. When a request or requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is generally available. If the District does not have a scanner readily available, then the District can provide a paper copy.

The Release of Payroll Information

The release of payroll information will exclude: address or phone number, social security number, voluntary deductions, marriage status or dependents, and garnishment deductions.

Prohibition on Requests for Commercial Uses

This policy shall not be construed as giving authority to the Hospital to give, sell, or provide access to lists of individuals requested for commercial purposes, and the Hospital shall not do so unless specifically authorized or directed by law.

Records as Public Property

All public records are and shall remain the property of the Hospital. Outgoing officials and employees shall deliver such records to their successors. Public records are preserved, stored, transferred, destroyed, and otherwise managed only in accordance with this policy and applicable state law.

Index of Public Records

Pursuant to RCW 42.56.070(4) the District need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

The Public Records Act, Chapter 42.56 RCW, provides that a number of document types and information are prohibited from being disclosed or are exempt from public inspection and copying. A current list of these prohibitions and exemptions will be provided upon request by the Public Records Officer and is available on the Municipal Research and Services Center web site at www.mrsc.org (Publications --> Public Records Act --> scroll to Appendix C).

Protection of Records

If a records request is made at a time when such public records exist but are scheduled for destruction in the near future, the Hospital shall retain possession of the records, and shall not destroy or erase the records until the request is resolved, except as noted in below.

Nothing in this policy prevents the Hospital from destroying information related to employee misconduct or alleged misconduct as authorized by the Local Government Common Records Retention Schedule, Washington State Archives, and Office of the Secretary of State, as presently constituted or hereafter amended.

The District shall comply with state and federal laws affecting the maintenance and preservation of public hospital district records, including but not limited to the guidelines promulgated by the Secretary of the State Division of Archives and Records Management.

Disclaimer of Liability

Neither the Hospital 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.

Willapa Harbor Hospital May Notify Affected Persons and/or May Seek Court Protection.

Willapa Harbor Hospital may notify persons to whom the record pertains that release of the record has been requested. Willapa Harbor Hospital or a person to whom the record applies, may ask a court to prevent an inspection of the record. If a court order preventing disclosure is sought, the records request is on hold until further order of the court. RCW 42.56.540

EXHIBIT A

RCW	Description
18.53.200	Information and records of optometrists
18.71.0195	Contents of physician disciplinary report
18.71.340	Entry records under impaired physician program
18.83.110	Communications between client and psychologist
18.130.057(2)(b)	Disciplining authority may not disclose information in a file that contains confidential or privileged information regarding a patient other than the person making the complaint or report
18.130.095(1)(a)	Treatment and pretreatment records of health professionals referred to voluntary substance abuse monitoring program under uniform disciplinary act
18.130.172(1)	Summary and stipulations in complaints against health care professionals
18.130.175(4)	Voluntary substance abuse treatment records of licensed health care professionals
18.330.050(2)(f)	On referral disclosure statement, must include statement that agency will need client authorization to obtain or disclose confidential information
39.10.470 (2)	Trade secrets & proprietary information from contractors under alternative public works
39.10.470(3)	Proposals from design-build finalists for alternative public works transactions until selection is made or terminated
39.26.030(2)	Competitive bids subject to chapter 42.56 RCW except exempt from disclosure until apparent successful bidder announced
42.48.020 & 42.48.040	Personally identifiable public records used in scientific research
43.01.425	Crisis referral services communications and information are confidential
43.70.050(2)	Health care related data identifying patients or providers obtained by state agencies
43.70.056(2)(e)(ii)	Hospital reports and information on health care-associated infections

43.70.510	Information and documents created, collected and maintained by a quality assurance committee
43.70.695(5)	Healthcare workforce surveys identifying individual providers
43.330.062	Protocols may not require release of information that associate development organization client company has requested remain confidential
43.370.050(2)	Individual identification in released health care data for studies and analysis
46.35.030(1)(a)	Information obtained by a court order pursuant to discovery is not subject to public disclosure
43.70.050(2)	Health care related data identifying patients or providers obtained by state agencies
43.70.056(2)(e)(ii)	Hospital reports and information on health care-associated infections
43.70.510	Information and documents created, collected and maintained by a quality assurance committee
43.70.695(5)	Healthcare workforce surveys identifying individual providers
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43.370.050(2)	Individual identification in released health care data for studies and analysis
46.35.030(1)(a)	Information obtained by a court order pursuant to discovery is not subject to public disclosure
70.02.020, 70.02.050, et. al.	Health care info disclosed to health care provider w/o patients' permission
70.02.220 through 70.02.260	Health care information
	Medical records re: child mortality review
70.24.022	Info gathered by health care workers from interviews re. sexually transmitted diseases
70.24.034	Records on hearings on dangerous sexual behavior of sexually transmitted disease carriers

70.28.020	Tuberculosis records
70.41.150	Dept of Health info on inspections of hospitals
70.41.200(3)	Info maintained by a health care services quality improvement committee
70.41.220	Hospital records restricting practitioner's privileges in possession of medical disciplinary board
70.42.210	Identity of person from whom specimens of material were taken at a medical test site
70.47.150	Records of medical treatment
70.54.250	Cancer registry program
70.54.450 (1) and (4) Expires 6/30/2020	(1) Information collected or maintained by the maternity mortality review panel or the department of health in support of the panel or department. (4) Meetings may be confidential and conducted in exec session at discretion of panel. X-ref 42.56.360(4)
70.58.055(2)	Info on birth & manner of delivery kept in birth certificate records
70.168.070	Limitations on disclosure of reports made by hospital trauma care on-site review teams
70.168.090	Patient records and quality assurance records associated with trauma care facilities
70.170.090	Charity care information in hospitals
70.230.110	Ambulatory surgical facilities data related to the quality of patient care
70.230.170	Information received by dept. of health regarding ambulatory surgical facilities
71.05.620	Records on mental health treatment
71.24.035(5)(h)	Mental health records confidentiality
71.34.335	Minors' mental health treatment records
71.34.340	Minors' mental health treatment records
71A.14.070	Confidential info re. developmentally disabled persons
72.05.130(1)	Reports regarding children with behavioral problems

74.42.640

Information and documents created, collected and maintained by a quality assurance committee