

HEALTH INFORMATION RECORD DESIGNATION

Minnesota Sex Offender Program

Issue Date: 12/7/21 Effective Date: 1/4/22 Policy Number: 135-5300

POLICY: Minnesota Sex Offender Program (MSOP) Health Information Management Services (HIMS) assembles, maintains and stores records documenting clinical and medical client care while serving the business and legal needs of MSOP.

AUTHORITY: Minn. Stat. § 246.014, subd. (d)
Minn. Stat. §§ 144.291-298 (Minnesota Health Records Act)
Minn. Stat. § 144.651 (Health Care Bill of Rights)
45 CFR Parts 160 and 164 - Health Insurance Portability and Accountability Act
Minn. Stat. §§ 13.02; 13.03; 13.04; 13.384 (Data Privacy)
Minn. Stat. § 254A.09 (Confidentiality of Records)
Minn. Rule 4642.1000 (Individual Permanent Medical Record)

APPLICABILITY: MSOP, program-wide

PURPOSE: To define the designated record set for MSOP clients.

DEFINITIONS:

Client record – a hybrid record subset of the entire client database and electronic document storage, serving as the legal business record for the organization and released upon request. The client record supports the decisions made in a client’s care, supports the revenue sought from third-party payers, and documents the services provided as legal testimony regarding the client's illness or injury, response to treatment, and caregiver decisions organized per the appropriate filing guidelines. The client record includes:

Client Health Services Record – documentation, in any medium, of an individual’s physical health and healthcare services. The Health Services Working Chart is a set of ongoing logs within the Client Health Services Record located in the Health Services area.

Client Treatment Record – information, in any medium, used for or documented about an individual’s behavioral health and sex offender treatment. The Treatment Working Chart is a set of documents identified as needed in case of computer system outage that are within the Client Treatment Record located in the HIMS area.

Client Dental Record – information, in any medium, used for or documented about an individual’s dental health and treatment.

Alcohol and Other Drug Record – information, in any medium, documented about an individual’s substance abuse treatment or assessment provided by agencies subject to federal confidentiality under CFR Chapter 1, Part 2, “Confidentiality of Substance Abuse Disorder Patient Records.”

Client Treatment DOC Site Record – historical information, in any medium, used for or documented about an individual’s behavioral health and sex offender treatment within the Minnesota Department of Corrections’ MSOP program.

Designated Record Set – a private, comprehensive record created in the course of client care from admission through discharge.

Hybrid Record – an identification of the record during the transition to the electronic legal record causing part of the record to be on paper and part of the record to be in electronic form.

PROCEDURES:

A. Designated Record Set

1. Inclusion

The designated record set includes:

- a) the client record;
- b) documentation regarding reimbursement for services or billing;
- c) administrative records such as authorizations for release of information, record certifications, release of information logs, consents or agreements for release;
- d) correspondence documents; and
- e) court exhibits.

2. Exclusion

The designated record set excludes the following:

- a) client-identifiable administrative data used for administrative, regulatory or healthcare operations including, but not limited to, records of another facility not submitted to the client record, court exhibits, court documents not pertaining to treatment of the client, record reviews, peer reviews, duty to warn, victim notification, incident reports, grievances, investigative information, property management, programming documentation, security documentation, accreditation or licensing reports;
- b) aggregated, summary, or non-client identifiable data;
- c) notes and e-mails maintained separately from the client record;
- d) information created in research studies or program evaluations;
- e) records disposed of based on retention schedule or rendered unusable due to fire, flood, damage, or other circumstances (see DHS Administrative Policy, “Policy on Records Retention and Destruction”);
- f) information subject to a legal privilege; and
- g) source data including, but not limited to, images, raw test data, videos, x-ray films, photos, etc.

3. Disclosure

- a) Designated staff disclose documents from the client record to respond to requests for information unless other information is specifically requested. When the “medical record” is requested by the court system, the client record is released. Staff outside the Records and Information Services area document on a Data Disclosure Tracking Worksheet (135-5150b) or notify HIMS via email based on MSOP Division Policy 135-5150, “Authorization for the Release of Information.”

- b) Records production staff release other information, if requested, based upon MSOP Division Policy 135-5150, "Authorization for the Release of Information" and MSOP Division Policy 135-5170, "Data Request and Copy Costs."

4. Access

- a) HIMS staff collect, assemble, maintain and store information for the designated record set in a hybrid record.
- b) Staff access to information is based on roles and responsibilities.

B. Method of Storage

The designated record set is comprised of documentation physically existing in separate and multiple paper or electronic-based forms.

- 1. Staff may refer to the documents in electronic document storage (FileNet and AVATAR).
- 2. HIMS staff retain and manage any original hard-copy documents for the designated record set per DHS Administrative Policy, "Policy on Records Retention and Destruction."
- 3. Staff print copies of client documents for an emergency situation, short-term business need, or consistent with MSOP Division Policy 135-5170, "Data Request and Copy Costs."
- 4. Staff must refer requests for release of information to the record production or HIMS staff (see MSOP Division Policy 135-5170, "Data Request and Copy Costs.").

REVIEW: Annually

REFERENCES: MSOP Division Policy 135-5170, "Data Request and Copy Costs"
MSOP Division Policy 135-5150, "Authorization for the Release of Information"
DHS Administrative Policy, "Policy on Records Retention and Destruction"

ATTACHMENTS: Filing Guidelines – Treatment Record (135-5300b)
Filing Guidelines – Health Services Record (135-5300d)
Filing Guidelines – Alcohol and Other Drug Record (135-5300e)
Data Disclosure Tracking Worksheet (135-5150b)

SUPERSESSON: MSOP Division Policy 135-5300, "Health Information Record Designation," 11/3/20.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

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