

Department of Mental Health
TRANSMITTAL LETTER

SUBJECT Appendix A, DMH Clinical Record Request Fee Schedule		
POLICY NUMBER DMH Policy 645.1	DATE FEB 23 2004	TL# 41

Purpose. This transmits a new Appendix to DMH Policy 645.1, DMH Privacy Policies and Procedures. Appendix A is a DMH fee schedule which list charges for retrieval, certifying, and copying clinical records and charges for disclosure accounting.

Applicability. This policy applies Department-wide to the Mental Health Authority, Saint Elizabeths Hospital, and the DC Community Services Agency. This DMH fee schedule is provided to private providers for their information only.

Policy Clearance. Reviewed by affected responsible staff, including DMH General Counsel, DMH, CSA and SEH Privacy Officers and others.

Implementation Plans. A plan of action to implement or adhere to this policy must be developed by designated responsible staff. If materials and/or training are required to implement this policy, these requirements must be part of the action plan. Specific staff should be designated to carry out the implementation and program managers are responsible for following through to ensure compliance. Action plans and completion dates should be sent to the appropriate authority. Contracting Officer Technical Representatives (COTRs) must also ensure that contractors are informed of this policy if it is applicable or pertinent to their scope of work. *Implementation of all DMH policies shall begin as soon as possible. Full implementation of this policy shall be completed within sixty (60) days after the date of this policy.*

Policy Dissemination and Filing Instructions. Managers/supervisors of DMH and DMH contractors must ensure that staff are informed of this policy. Each staff person who maintains policy manuals must promptly file this policy in Volume I of the **DMH** Policy and Procedures Manual, and contractors must ensure that this policy is maintained in accordance with their internal procedures.

*If any CMHS or DMH policies are referenced in this policy, copies may be obtained from the DMH Policy Support Division by calling (202) 673-7757.

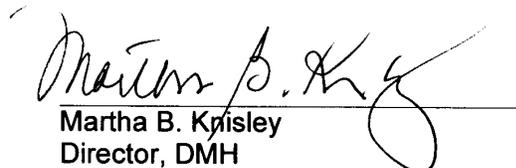
ACTION

REMOVE AND DESTROY

NONE

INSERT

Appendix A in the Appendix
Section of DMH Policy 645.1


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Director, DMH

Government of the District of Columbia

DMH Clinical Record Request Fee Schedule

This fee schedule lists charges for retrieval, certifying, and copying clinical records and charges for disclosure accounting as shown below.

➤ Search, retrieval, other administrative costs	\$5.00
➤ Certifying Clinical Record (optional)	\$5.00
➤ Paper Form Record Copying	
Each page:	
➤ Pages 1-5	\$5.00
➤ Pages 6+	.50/page
➤ Non-paper Form Record Copying	Reasonable charges apply
➤ Disclosure Accounting Request**	\$5.00/per request (presumptive rate, unless there are extraordinary circumstances)

**A consumer is entitled to one free accounting disclosure in any 12 month period. If the consumer requests a second accounting disclosure within that same 12 month period, the \$5.00 rate applies.

·Responsible DMH staff will apply the charges above to everyone requesting the copies/services noted **except for those individuals/entities noted on the back of this form.**

·Private providers can set their own fees; this schedule is provided to them for their information.

Note: These charges also apply to financial records.

See the back of this form for important guidelines.

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Guidelines:

CSA and SEH CEOs are responsible for ensuring that: (1) all fees collected are submitted to the responsible cashiers office in accordance with internal guidelines established by their organization; (2) there are specific, written instructions to responsible staff in their organization on how they are to uniformly charge, collect, and handle fees; and (3) that policies and procedures are followed, including use of required forms, per DMH Policy 645.1, Privacy Policies and Procedures.

Exceptions to Charging Fees:

- Indigent consumers shall not be charged for copies of their record or for accounting disclosures.

Please contact the DMH General Counsel's Office (202-673-1936) in connection with all formal discovery (subpoena or request for documents) in pending civil or criminal actions other than the following:

- **Court appointed attorneys** - under Chapter Five of Title 21 of the D.C. Code or D.C. Code §24- 501, shall not be charged for copies, unless a copy has previously been provided to the consumer in connection with the same action.
- **The Office of Corporation Counsel** shall not be charged for copies of records for consumers committed under D.C. Code §24- 501 to the extent the records relate to a pending release motion.
- **Third party payers** shall not be charged when DMH will derive direct financial benefit (e.g. Medicaid, private insurance).
- **Other healthcare providers/entities** that provide consumer treatment and care, or support services, and are requesting records to assist in providing treatment and care, or support services for the identified consumer shall not be charged.
- **District of Columbia agencies** shall not be charged.
- **Other organizations** shall not be charged if they demonstrate that District or federal laws (or the laws of the state in which they are incorporated or based) exempt them from such fees. If an organization states that it is exempt from fees, please ask them to provide a citation to the exempting law or regulation. If you have any remaining questions, contact your Privacy Officer.

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Exceptions to Charging Fees for Release of Information **Check List**

The individual/entity was not charged any fees related to copies of consumer records because the individual/entity fits into one of the following categories:

- Indigent consumer (as determined by the financial officer or other responsible person identified by your agency). Also, the indigent consumer shall not be charged for accounting disclosures.**

- Court appointed attorney representing an indigent consumer in a court case involving the hospitalization or commitment of the consumer, and no copy has previously been provided to the consumer in connection with that court case.**

- The attorneys for the government when those attorneys are requesting records of prisoners committed pending or following conviction to the extent the records relate to a pending release motion.**

If you receive such a request for information in the context of formal discovery in a criminal or civil case (other than an instance specifically described above), please contact the DMH General Counsel's Office.

- Third party payers when the DMH will derive direct financial benefit. (e.g. Medicaid, private insurance).**

- Other healthcare providers/entities that provide consumer treatment and care, or support services, and are requesting records to assist in providing treatment and care, or support services for the identified consumer.**

- Other District of Columbia agencies.**

Any other organization that is exempted by applicable law from such fees. It is the responsibility of the exempt organization to identify the law that exempts the entity from the otherwise applicable fees.

Responsible DMH staff may use this checklist to assist in determining when not to charge fees. It should not be filed in the clinical record.

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