



City and County of San Francisco  
Daniel Lurie, Mayor

## San Francisco Department of Public Health

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Director of Health

### San Francisco Department of Public Health

#### *Policy & Procedure Detail\**

<b>Policy &amp; Procedure Title:</b> A.3.0 Patient Rights Regarding Protected Health Information	
<b>Category:</b> Privacy	
<b>Effective Date:</b> 4/1/2003	<b>Last Reviewed/Revised Date:</b> 01/26/2026
<b>DPH Unit of Origin:</b> Office of Compliance & Privacy Affairs	
<b>Policy Contact - Employee Name and Title; and/or DPH Division:</b> Office of Compliance & Privacy Affairs (OCPA)	
<b>Contact Phone Number(s):</b> (855) 729-6040	
<b>Distribution:</b> DPH-wide <input checked="" type="checkbox"/>	<b>If not DPH-wide, other distribution:</b>

*\*All sections in table required. Updated 3/2014*

#### I. **Purpose and Scope:**

- A. **Purpose:** To set forth the rights that San Francisco Department of Public Health (DPH) patients have regarding their protected health information (PHI).
- B. **Scope:** This policy establishes DPH's commitment to complying with patient rights regarding PHI as set forth in the Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA). This policy pertains to all DPH workforce members who have access to use, or disclose PHI, regardless of the DPH division or unit. The policy is administered by the Office of Compliance and Privacy Affairs (OCPA). DPH divisions or units may enforce stricter authorization requirements for the use or disclosure of PHI than those set forth in this policy.

#### II. **Definitions:**

- A. **Patient:** Refers to any patient, client, resident or other individual receiving healthcare services.
- B. **Workforce Member:** Refers to DPH employees, UCSF employees providing services for DPH, volunteers, trainees, and other persons whose conduct, in the performance of work for a covered entity or business associate, is under the direct control of DPH whether they are paid by DPH.

#### III. **HIPAA Protected Patient Rights:**

- A. **Summary of HIPAA Rights:** The HIPAA Privacy Rule provides consumer control and privacy protections regarding patient PHI. HIPAA Patient rights include:
  - 1. The right to obtain a written notice explaining how PHI will be used and disclosed.

2. The right to access and obtain a copy of their medical records.
  3. The right to request an amendment of their PHI.
  4. The right to obtain an accounting of disclosures of their PHI (with limited exceptions).
  5. The right to request that certain information be restricted from use or disclosure for purposes of treatment, payment or health care operations (although HIPAA allows DPH to use its discretion in agreeing to such requests).
  6. The right to request restrictions on the manner and method of confidential communications.
- B. **Minors:** Minors who are legally permitted to consent to services without parental or guardian consent are also accorded these rights with respect to the PHI generated during the provision of services.
- C. **Notice of Rights:**
1. **RIGHT TO NOTICE OF PRIVACY PRACTICE (NPP):**
    - a. DPH shall provide patients with detailed information that describes, in plain language, its privacy practices and an individual's rights related to their PHI. (Jail Health Services may, but is not required to, provide the NPP).
    - b. The NPP shall be provided to all current patients. New patients will receive a copy of the NPP at the time of their first visit for treatment at a DPH site. Patients may receive additional copies of the NPP upon request.
    - c. DPH shall make a good faith effort to obtain a written acknowledgement from the patient that they received the NPP.
    - d. The NPP shall also be posted in clear and prominent locations where it is reasonable to expect patients to be able to read it. Additionally, the NPP will be posted and available electronically on the DPH web site that contains information about DPH and its services.
    - e. DPH shall revise and distribute its NPP whenever there is a material change to the use or disclosures of PHI, individual's rights, the provider's legal duties or other privacy practices stated in the notice.
  2. **RIGHT TO ACCESS AND TO OBTAIN A COPY OF PHI:**
    - a. DPH shall provide patients with the right to access and obtain a copy of medical information that is used to make decisions about their care. This may include medical and billing information, but may not include some mental health information.
    - b. Access to mental health information may be denied if a licensed mental health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to compromise the mental health or physical treatment of the patient or, if the request involves psychotherapy notes, or will endanger the life or physical safety of the patient.

- c. Requests for medical records must be directed to and fulfilled by DPH's Health Information Management Services (HIM).
- d. DPH shall provide access only to non-duplicative information. If the same information is kept in more than one medical record or at more than one location, DPH shall produce the information only once per request.
- e. DPH may charge a reasonable, cost-based fee for providing copies of PHI, including the costs of copying (supplies and labor), postage (if the individual has requested that the PHI be mailed) and preparation of any summary or explanation (if agreed to in advance).

### **3. RIGHT TO REQUEST AN AMENDMENT OF PHI:**

- a. Requests for amendments must be submitted in writing to HIM and provide a reason that supports the request. Amendments may be denied under the following circumstances:
  - i. The PHI was not created by DPH (unless the patient provides a reasonable basis to believe that an originator of the PHI external to the DPH is no longer available to act on the request);
  - ii. The information at issue is not part of the medical information kept by DPH;
  - iii. The information is not part of the PHI that the patient would be permitted to access and obtain a copy; or
  - iv. The information is accurate and complete.
- b. If a request to amend PHI is denied, the patient shall have the right to submit a written addendum, not to exceed 250 words, with respect to any item or statement that the patient believes is incomplete or incorrect.
- c. Upon the patient's clear written indication, the addendum shall be attached to his/her records and included whenever DPH makes a disclosure of the item or the statement that the patient believes to be incomplete or incorrect.

### **4. RIGHT TO AN ACCOUNTING OF DISCLOSURES:**

- a. DPH shall provide individuals with the right to an accounting of how their PHI has been disclosed (see section III.C.4.c. for exceptions).
- b. DPH shall respond in writing to any requests and include the following in the accounting:
  - i. Disclosures for the six years prior to the request, unless the individual wants information for a shorter time period;
  - ii. Disclosures made to or by business associates;
  - iii. The date of each disclosure;
  - iv. The name of the person or entity who received the PHI, including an address if possible;
  - v. A brief description of the information disclosed; and
  - vi. A brief statement of the purpose of the disclosure.

- c. **Exceptions:** Accountings do not need to include disclosures made for the following purposes:
- i. To carry out treatment, payment or health care operations or as part of a limited data set;
  - ii. To individuals regarding their own information;
  - iii. Incident to a use or disclosure otherwise permitted or required by HIPAA;
  - iv. Pursuant to an authorization;
  - v. For use in the facility's directory;
  - vi. To persons involved in the patient's care;
  - vii. For notification purposes (e.g. to notify a family member, personal representative or other person of the individual's location, general condition or death);
  - viii. For national security or intelligence purposes; or
  - ix. To correctional facilities or law enforcement officials; or
  - x. For disclosures made prior to April 14, 2003.
- d. DPH shall provide the first accounting of disclosures to an individual free of charge. A reasonable, cost-based fee may be charged for each subsequent request for an accounting within the same 12-month period as long as the individual has been informed in advance of the fee and the individual has had the opportunity to withdraw or modify the request.

**Last Reviewed/Revised Date:** 10/18/21; 01/26/2026