



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: FEES CHARGED FOR CLIENT RECORDS POLICY 13.05

Authority: 45 CFR Section 164.524 (c) (4)
Chapter 70.02.010 (12) RCW
WAC 388-01-080

Reference: DSHS Administrative Policy 5.02, *Public Disclosure of and Access to DSHS Records*

PURPOSE

This policy provides direction for staff of the Division of Developmental Disabilities (DDD) in responding to requests for information in the client record from the client, the client's guardian/legal representative, and the client's personal representative.

SCOPE

This policy applies to all DDD organizational units.

Circumstances where DDD staff are requesting client records from medical providers external to DSHS are outside the scope of this policy. Refer to WAC 246-08-400, "*How much can a medical provider charge for searching and duplicating medical records information on fees that may be paid by DSHS/DDD for these records?*" for additional information.

DEFINITIONS

Client means a person who receives services or benefits from DSHS. This term includes, but is not limited to, consumers, recipients, applicants, residents of DSHS facilities or institutions, and parents receiving support enforcement services. Clients include persons who previously received services or benefits and persons applying for benefits or services.

Client Record includes all information held by DSHS that relates to a particular client.

Personal Representative means a person with authority to make decisions on behalf of an adult or an unemancipated minor under Washington law. A personal representative includes parents or guardians of minor children, guardians for persons declared incompetent by a court, and personal representatives for estates of deceased persons, but does not include legal representatives or attorneys unless granted this authority by the client or law.

Standard Copying Cost is the charge for duplicating most DSHS records.

POLICY

- A. DDD shall honor a client's right of access to inspect and obtain a copy of the information included in the client record for as long as the information is maintained in compliance with DSHS retention policy.
- B. DDD will charge for duplicating client records at the request of the client and/or his or her legal or personal representative as follows:
 - 1. One request within a 12 month time period at no charge;
 - 2. Additional requests within the same time period up to 20 pages at no charge;
 - 3. For any requests during the same time period exceeding 20 pages, a maximum of fifteen cents (\$.15) per page or the actual cost of reproduction, if not a standard black and white photocopy;
 - 4. Postage will be charged at actual cost and will be sent by either registered or certified mail if it contains protected health information. DDD staff may give the requestor the option of picking up the documents to avoid paying for mail delivery.
 - 5. DDD may waive copying and postal fees if:
 - a. Providing a copy of the record assists in managing a program; or
 - b. The expense of billing exceeds the copying and postage costs.

PROCEDURES

For information about receiving, reviewing, and responding to requests for copies of documents, refer to DSHS Administrative Policy 5.02, *Public Disclosure of and Access to DSHS Records*, under Policy section, A.2, and also DDD Policy 13.01, *Public Disclosure of Records and Safeguarding of Confidential Information*.

EXCEPTIONS

No exceptions to this policy may be authorized without the prior written approval of the Division Director.

SUPERSESSSION

None

Approved: /s/ Linda Rolfe
Director, Division of Developmental Disabilities

Date: May 23, 2004