



NORTH METRO FIRE RESCUE DISTRICT

Administrative Procedure

Policy Regarding Requests for Public Records and Assessing Charges

ADM-501

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This document sets forth the District's policy for responding to an individual's or entity's request for public records, and assessing charges for the production of public records, pursuant to the Colorado Public (Open) Records Act, C.R.S. § 24-72-205 ("Open Records Act"), the Regulations promulgated by the U.S. Department of Health and Human Services interpreting and implementing the Health Insurance Portability and Accountability Act of 1996, the 2009 Health Information Technology for Economic and Clinical Health Act (collectively, "HIPAA"), relevant Court decisions or other applicable laws.

1. Procedure for Submitting and Processing Requests for Public Records.

All requests for public records shall be in writing and shall comply with the requirements of the Open Records Act, HIPAA, and any other applicable federal or state laws, rules, or regulations. In general, the District will respond to a request within three working days as required by C.R.S. § 24-72-203(3)(b); however, if the District finds extenuating circumstances exist, as described in C.R.S. § 24-72-203(3)(b), the District may take up to seven working days to respond. The response time begins the first working day following receipt of the request. A request received after 5 p.m. or on any day the District is officially closed will be considered received as of the following working day.

The District will transmit the public record by United States mail, other delivery service, facsimile, or electronic mail. The District may notify the record requester that a copy of the public record is available, but will be sent only when the District receives payment or makes satisfactory arrangements for payment of all costs associated with transmitting the public record and for all other fees lawfully allowed; provided, however, that no transmission fees will be charged for transmitting the public record via electronic mail.

2. Fees for Document Retrieval, Review, Copies and Release of Records Not Subject to HIPAA.

Where the fee for a certified copy or other copy, printout, or photograph of a public record is specifically prescribed by law, the specific fee shall be charged. If a fee is not specifically prescribed by law, the District will furnish copies, printouts, or photographs of a public record for a fee of \$0.25 per standard page. The District shall charge a fee not to exceed the actual cost of providing a copy, photograph, or printout in a form other than a standard page. The District shall charge the actual costs it incurs in having the copies made off-site by an outside copying facility.

If, in response to a specific request, the District's custodian of records performs a manipulation of data so as to generate a record in a form not used by the District (including a privilege log), an hourly administrative fee equal to the hourly research and retrieval fee discussed below shall be charged to the person or entity making the request; provided, however, that the fee shall not exceed the actual cost of manipulating the data and generating the record in accordance with the request. An individual or entity making a subsequent request for the same or similar records shall be charged the same fee.

If the amount of time required by the District to research and retrieve the documents necessary to fulfill a specific request exceeds one hour, including the time required to identify and segregate records that must or may not be produced, the person or entity making the request shall be charged a research and retrieval fee of \$41.37 per hour, or such maximum hourly research and retrieval fee as may be established by the Colorado Legislative Council from time to time. The District will not impose a charge for the first hour of time expended in connection with the research and retrieval of public records.

3. Fees for Document Retrieval, Review, Copies and Release of Records Subject to HIPAA.

In accordance with HIPAA, if the District produces copies, printouts, or photographs of medical or mental health records directly to a patient pursuant to C.R.S. § 24-72-204(3)(a)(1) that contain the patient's protected health information (as defined under HIPAA, 45 CFR § 160.103), the District, will provide the individual whose record is being requested with one copy of the medical records at no charge. Any additional records or copies shall be subject to either of the following charges, in the District's discretion:

- a. A flat fee of \$6.50 for paper copies of medical or mental health records maintained by the District that are mailed to, or picked-up by, the patient (though in

accordance with statute the District will not charge for copies of medical or mental health records maintained by the District that are sent to the patient by email or facsimile); or,

b. The actual labor costs incurred by the District to produce the medical or mental health records, which may include:

- i. Labor for copying the medical or mental health records, whether in paper or electronic form;
- ii. Supplies for creating the paper copy or electronic media if the individual requests that the electronic copy be provided on portable media;
- iii. Postage, when the individual has requested the copy, or a summary or explanation of such information, be mailed; and,
- iv. Preparing an explanation or summary of the medical or mental health records, if the individual agrees to such an explanation or summary, and the associated fees, in advance.

The foregoing fees only apply to a patient's request for a copy of his/her HIPAA records. If the patient directs that his/her HIPAA records be sent to any other individual or entity, or if any other individual or entity requests a copy of a patient's HIPAA records with an appropriate HIPAA authorization form signed by the patient, the foregoing fees do not apply, and the third-party will be charged the fees otherwise set forth in Section 2 of this policy.

The District will not transmit public records containing Protected Health Information (as defined by HIPAA) via unsecured fax or unencrypted email unless the record requester also submits a *Patient Access Request for Protected Health Information* or an *Authorization to Release Medical Information*, as applicable, specifically authorizing transmission via electronic means. The District assumes no liability for such methods of transmission.

4. District contact information for open records requests.

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