## FILED



TITLE:

MRHCA OPEN RECORDS REQUEST

& FEE SCHEDULE POLICY

**EFFECTIVE DATE:** 

07/01/2020

MRHCA BOARD

APPROVAL:

07/01/2020

**REVIEWED/REVISE:** 

**Policy Reviewer:** 

Audit & Corporate Compliance Committee, McAlester Regional Health

Center Authority Board of Trustees

McAlester Regional Health Center Authority (MRHCA), as an Oklahoma public trust, complies McAlester Regional Health Center Authority (MRHCA), as an Oklahoma public trust, complies with the Oklahoma Open Records Act (51 O.S. Section 24A.1 et seq.). This policy applies only to requests made under the Open Records Act and not to other legitimate legal requests for records made pursuant to other applicable law. Patient medical records will not be released under an Open Records Act request. The privacy of patient medical records is governed by federal and state law and will only be released pursuant to the requirements of applicable federal and state law. Generally, a proper Authorization for Release of Health Information signed by the patient is required before release of patient medical records. MRHCA may deny a request made under the Open Records Act for confidential information protected by HIPAA or other applicable law.

All open records requests shall be made in writing on MRHCA's Open Records Request Form, a copy of which may be obtained on MRHCA's website or in-person from MRHCA's Compliance Officer. All open records requests shall be directed to MRHCA's current Compliance Officer. The requestor shall submit the Open Records Request Form by: (1) mailing the completed Open Records Request Form to: Compliance Officer, McAlester Regional Health Center, 1 E Clark Bass Blvd., McAlester, OK 74501; (2) delivering the completed Open Records Request Form to MRHCA at the foregoing address directed to MRHCA's current Compliance Officer, or (3) submitting the request via the online submission system provided on MRHCA's website, if available. In order to protect the integrity and organization of MRHCA's records and ensure requests are made through reliable sources of communication, open records requests made via email or social media will not be accepted.

Each request shall specifically describe the information the requesting party is seeking, the name, occupation, address, telephone number, and the purpose of such request, whether personal, commercial or public interest. The person requesting records must provide enough detail to allow MRHCA to ascertain the specific records requested by requestor. Vague, open-ended or all-inclusive record production requests shall not be accepted for processing. In any instance where a record custodian cannot process a presented records request, the custodian may explain to the requesting party the circumstances preventing processing and may ask for clarifying information. The processing of a record request, in all cases, shall ensure the integrity and security of MRHCA records, and every request shall be processed in a manner which prevents excessive disruption of the essential functions of MRHCA. To ensure the integrity and security of MRHCA records, if a request is made for electronic records, MRHCA will only produce such records in

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portable document format. MRHCA may deny records requests for the reasons stated in any of the exceptions to the Open Records Act.

MRHCA will endeavor to answer all records requests within a reasonable time as required by law. Generally, a reasonable period of time is 30 days from receipt of a specific record request depending upon the following factors:

- a. The ability to communicate with the requestor if clarification is needed and if needed regarding federal or state law redaction requirements;
- b. The workload within MRHCA regarding open records requests and general activities;
- c. The inability to produce the record with or without redaction;
- d. The specificity of the written request;
- e. The time needed to determine the applicability of the Oklahoma Open Records Act to the request;
- f. Payment of the fee; and
- g. The size and complexity of the request, availability of the documents requested, and time required for retrieval.

MRHCA generally will charge a fee only for recovery of the reasonable, direct costs of record copying, or mechanical reproduction.

#### Fee Schedule for Costs of Reproduction

- a. \$0.25 per page for reproduction of records up to 8 ½" x 14" or smaller.
- b. Copies of other media (CD-ROM, flash drive, etc.) shall be the actual costs of reproduction, including labor.

However, if the request is solely for a commercial purpose or would clearly cause a disruption of the essential functions of the public body, then the public body may charge a reasonable fee to recover the direct cost of record search and copying.

#### Fee Schedule for Request Subject to Additional Recover Costs

MRHCA reserves the right to recover the actual cost of record search and copying, including labor, if the information requested is not readily available or requires and extended amount of time to retrieve. If MRCHA receives a request that is subject to additional recovery costs, MRHCA may provide the requestor with an estimate of fees and costs before the work begins and require that all fees and costs, including delivery fees, be paid before the documents will be provided. Fees may be paid by check or money order, payable to MRCHA. Fees will be assessed as follows:

a. \$35.00 per hour for commercial requests or those that cause excessive disruption of office functions (MRHCA defines "excessive disruption" as a request that requires more than 1 hour of actual employee time to compile).

All fees must be paid prior to delivery of requested records.

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### **APPROVALS:**

\*Signatures indicate approval of the new or reviewed/revised policy

Date 7 - 1 - 2020 rate Compliance Committee Signature Chairman of the Audit & Corporate Compliance Committee

Signature Chairman of the MRHCA Board of Trustees