

UW Medicine | VALLEY MEDICAL CENTER

RISK MANAGEMENT ADMINISTRATION PUBLIC RECORDS POLICY

POLICY STATEMENT:

The purposes of this policy are to: (1) describe the organization of VMC; and (2) comply with the Public Records Act. Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on VMC. VMC reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time. This policy shall be available in VMC's Administration Office and posted on VMC's Website.

POLICY:

Valley Medical Center is the largest nonprofit healthcare provider between Seattle and Tacoma, serving over 600,000 residents. In addition to the hospital, VMC operates a network of more than two dozen primary care, urgent care and specialty clinics throughout Southeast King County.

Valley Medical Center's ("VMC") policy is to release VMC records in compliance with the Washington Public Records Act ("Act"), Chapter 42.56 RCW, and any other applicable provisions of federal or state law. This policy establishes the procedures VMC will follow in order to provide access to public records. This policy provides information to people who wish to request access to public records of VMC and establishes processes for both Requesters and VMC staff.

PUBLIC RECORDS OFFICER

People who wish to request public records of VMC, or those seeking assistance in making such a request, should contact:

Patricia Nishikawa
Public Records Officer
Valley Medical Center
PO Box 50010
Renton, WA 98058
Phone 425.690-.3014
Fax 425.690.9403
Emails: VMC-PROfficer@Valleymed.org

Information is also available at the VMC web site at: www.valleymed.org

The Public Records Officer will oversee compliance with the Public Records Act, but another VMC staff member may process the request. Accordingly, any reference in this Policy to the "Public Records Officer" means the Public Records Officer or a designee. The Public Records Officer will provide fullest assistance to Requesters, ensure that public records are protected from damage or disorganization, and make sure that public records requests do not excessively interfere with VMC's essential functions and its care of patients.

GENERAL AVAILABILITY OF PUBLIC RECORDS

Public records are available for inspection and copying by appointment only during VMC's normal business hours: Monday through Friday, 10:00 a.m. to 12:00 p.m. and 1:00 pm to 4 p.m., excluding legal holidays. Requestors may also ask that VMC provide copies of records; however, these Requestors must pay for these copies as provided by chapter

42.56 RCW and as specified in this policy. VMC may deny an inspection request and withdraw records if the Requestor, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere with VMC's other essential functions.

REQUEST A PUBLIC RECORD

How do I make a public records request?

Email, write, or send a fax asking for the records you would like to receive. All requests should be in writing on VMC's request form. The form is available for use by the Requesters at VMC's Administration Office, linked toward the end of this policy under: Policy-Specific Related Documents, and on-line at www.valleymed.org. If you are unable to write, please contact us by telephone or in person and we will assist you with this task. Your request must include the following information when you make a public records request:

1. Contact information – your name, mailing address and telephone number. Feel free to include any other information you may feel to be useful, such as your e-mail, fax or cell phone number.
2. The date of your request.
3. A detailed description of the specific public records being requested. The request must be specific enough for VMC to be able to identify the records being requested.
4. Please let us know if you like copies of the records or if you would like to come to our office to review them.
5. If copies are requested, provide an address where we can send copies as well as a bill for the cost of the copies.

Many records are available on VMC's website at www.valleymed.org. VMC encourages Requestors to review this website for documents, as this will likely allow Requestors to obtain records faster than submitting a formal records request.

WHAT IS NOT A PUBLIC RECORD

Certain Medical, Public Health and Health Professional Records are exempt from disclosure.

A listing of the most common exemptions can be found at RCW 42.56.210-.510. These exemptions are noninclusive, and disclosure of particular information may be required or prohibited by other sources of legal authority. Washington laws may prohibit or exempt the disclosure of other classes of information. (i.e.: Chapter 70.02 RCW; Chapter 70.96A RCW; Chapter 68.50 RCW; Federal Laws and Rules; HIPAA Privacy Rule, 45 C.F.R. 160–164, adopted by authority of the Health Insurance Portability and Accountability Act (HIPAA), 42 USC §1320d).

The most common types of records VMC handles that are exempt from disclosure are records related to medical services provided to individual patients. For a list of exempt records, see Appendix A to this Policy.

PROCESSING OF PUBLIC RECORDS REQUESTS

What happens when I make a public records request?

Within five business days of receipt of the request, the Public Records Officer will do one more of the following:

1. Notify the Requester in writing that the documents are available;

2. Send copies to Requester if payment has been received or waived, with a letter acknowledging and/or closing the request as appropriate;
3. Send an acknowledgment letter and provide a reasonable estimate of the time necessary for VMC to respond to the request;
4. If the request is unclear or does not sufficiently identify the requested records, send a letter requesting clarification from the Requester; or
5. Send a letter denying the request, including an exemption log if responsive exempt records exist.

VMC reserves the right to direct requesters to the VMC website for commonly requested documents. VMC will assist any requester who cannot easily access the internet.

Can you keep my request for records confidential?

No, your public records request is not a confidential record. The request is itself a public record. It can be requested by others and the office forwards public records requests to the departments holding records and to third parties who have an interest in the records you have requested.

COSTS AND FEES

Pursuant to RCW 42.56.120, VMC requires Requestors to reimburse VMC for its actual costs incurred in providing Requestors with copies of records. This cost shall not exceed the amount necessary to reimburse the agency. Actual costs are determined at the time the record is produced. Factors include but are not limited to materials, outside vendor costs and other direct costs in producing the request.

Please note that VMC's fee schedule is updated as processing costs change. VMC will provide Requestors with written notification and an estimate of actual costs in advance of any non-standard charges, such as digital media or electronic document storage, or upon request.

Information on standard costs follows:

COST TO PATIENT FOR MEDICAL RECORDS		
Format of Original Patient Record	Cost for delivery in electronic format: CD/USB/download	Cost for record delivered in Paper
Electronic or Hybrid (part electronic and part paper)	<ul style="list-style-type: none"> ➤ There is no cost to patients for electronic records delivered to MyChart. ➤ \$6.50 flat fee for electronic portion. ➤ Plus, if applicable \$0.07 per page for labor cost to create and deliver the portion of the record maintained in paper. ➤ Plus, sales tax as applicable. 	<ul style="list-style-type: none"> ➤ \$0.07 for labor cost to create and deliver the portion of the record maintained in paper. ➤ Plus, if applicable, the lower of cost under state regulated patient rates or \$0.90 for average labor cost to create and deliver the portion of record maintained electronically. ➤ Plus \$0.05 per page for supplies (paper and toner). ➤ Plus, actual postage if mailed. ➤ Plus, sales tax as applicable.
Paper	<ul style="list-style-type: none"> ➤ \$0.07 per page for labor cost to create and deliver the portion of the record maintained in paper. ➤ Plus, actual postage if mailed. ➤ Plus, sales tax as applicable. 	<ul style="list-style-type: none"> ➤ \$0.07 per page for labor costs to create and deliver the portion of record maintained in paper. ➤ Plus, \$0.05 per page for supplies (paper and toner). ➤ Plus, actual postage if mailed. ➤ Plus, sales tax as applicable.
Requests for records going to a 3 rd party (i.e. attorney or insurance company)	<ul style="list-style-type: none"> ➤ \$28.00 clerical fee ➤ \$1.24 per page up to 30 pages ➤ \$0.94 per page for 31+ pages ➤ Additional fees may apply for information that must be redacted from the record. ➤ Actual postage and applicable Washington State sales tax 	<ul style="list-style-type: none"> ➤ \$28.00 clerical fee ➤ \$1.24 per page up to 30 pages ➤ \$0.94 per page for 31+ pages ➤ Additional fees may apply for information that must be redacted from the record. ➤ Actual postage and applicable Washington State sales tax

SMALL RESPONSES AND OTHER WAIVERS. The Public Records Officer may waive fees when the total response to a request is less than 10 pages, or when the total fees in response to a request, or the fees installment, is \$5.00 or less.

ADVANCED DEPOSITS. The Public Records Officer may require a deposit of 10 percent of the estimated cost of an installment or request prior to producing a request. WAC 390-14-030. The following (non-exclusive) factors may be considered in requiring a deposit:

- a. The request is very large and/or will require an extensive or extended (multiple-month) allocation of agency resources.
- b. The requester has an outstanding unpaid invoice from a prior public records request.
- c. The request will involve outside vendors costs, other direct costs not typically incurred by VMC in responding to a request, or other unusual or unanticipated costs (e.g., copying videos).

If VMC requires a deposit, that deposit must be paid before VMC will provide records. Similarly, if a Requestor has an outstanding unpaid invoice from a prior request, the Public Records Officer will advise the Requester of the fees due and provide the requester an invoice with a deadline for payment. Once the invoice is paid, the records will be provided. If an invoice is not paid by the deadline, the Public Records Officer will make a note in the file and place a copy of the unpaid invoice in the file, and close the request pursuant to WAC 390-14-030.

Unused deposits will be returned to the requester.

CONTACT INFORMATION

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Public Records Officer
Valley Medical Center
PO Box 50010
Renton, WA 98058
Phone 425..690.3014
Fax 425.690.9403
Emails: VMC-PROfficer@Valleymed.org

HOURS: 10 a.m. - 12 p.m., 1 p.m. - 4 p.m. M-F
Closed on Federally Recognized Holidays

DEFINITIONS:

PRA: Public Records Act

PRO: Public Records Officer

PRR: Public Records Request

RESPONSIBILITIES:

The Public Records Officer will oversee compliance with the Public Records Act, but another VMC staff member may process the request. Accordingly, any reference in this Policy to the “Public Records Officer” means the Public Records Officer or a designee.

REFERENCES:

Washington Public Records Act (“Act”), Chapter 42.56 RCW

If this policy is printed, it may be out of date: go to [SharePoint](#) for the latest copy

POLICY-SPECIFIC RELATED DOCUMENTS:

Valley Medical Centers Pubic Record Request Form available [here](#).

POLICY INFORMATION PANEL:

Title: Public Records, Request For	
Dept. Doc # or N/A: Administration	Document ID: VMCPOLICY-1853458269-3 v{_UIVersionString}
Last Approved: 12/2/2021 by Legal Next Review Date: 12/2/2024 by Legal	Approving Body: Risk Management / Legal
Division: Administrative	Team/Department: Legal (General)

APPENDIX A

Exemptions from Public Records Disclosure and Confidential Records

Prepared by the Code Reviser's Office July 2017

September 2012 through Present

Subject	RCW (Effective 2012)	RCW (Effective 2013 and later)	Description	Date Enacted
Personal information	42.56.230(1)		Personal information in files for students in public schools, patients or clients of public institutions or public health agencies, or welfare programs	1973 (I-276)
	42.56.230(3)		Personal information in files on employees, appointees, or elected officials if disclosure would violate their right to privacy	1973 (I-276)
	42.56.230(4)		Certain taxpayer information if it would violate taxpayers right of privacy	1973 (I-276)
	42.56.230(5)		Credit card numbers, debit card numbers, electronic check numbers, and other financial information, except when disclosure is required by other law	
	42.56.230(7)(c)		Records pertaining to license plates, drivers' licenses, or identicards that may reveal that a person was performing undercover law enforcement, confidential public health work, public assistance fraud, or child support investigations	
Employment and licensing	42.56.250(1)		Test questions, scoring keys, and other exam information used on licenses, employment or academics	1973 (I-276)
	42.56.250(2)		Applications for public employment, including names, resumes, and other related materials submitted with respect to an applicant	1987
	42.56.250(3)(4)		Address, phone nos., email addresses, SSNs, drivers' license numbers, identicard numbers, and emergency contact information of public employees or volunteers held by public agencies	1987 2014 c 106 s 1
	42.56.250(4)(5)		Information from employee relating to an unfair practice, if requested	1992
	42.56.250(5)(6)		Records of unfair practices investigations	1994
Preliminary records containing opinions or policy formulations	42.56.280		Preliminary drafts, notes, recommendations, and intra-agency memos where opinions are expressed or policies formulated or recommended, unless cited by an agency	1973 (I-276)
Agency party to a controversy	42.56.290		Agency records relevant to a controversy but which would not be available to another party under the rules of pretrial discovery for causes pending in the Superior courts	
Health professionals	42.56.350(1)		SSNs of health care professionals maintained in files of the Dept. of Health	
	42.56.350(2)		Residential addresses and telephone numbers of health care providers maintained in files of the Dept. of Health	
Health care	42.56.360(1)(f)		Complaints filed under the Health Care Professions Uniform Disciplinary Act	1997
	42.56.360(1)(i)		Cardiac stroke system performance data submitted pursuant to RCW 70.168.150(2)(b)	2010 c 52 s 6

Subject	RCW (Effective 2012)	RCW (Effective 2013 and later)	Description	Date Enacted
	42.56.360(1)(j)		All documents pertaining to a wellness program under RCW 41.04.362, except for statistical reports that do not identify an individual	2010 c 128 s 3
		42.56.360(1)(k)	Claims data and information provided to the statewide all-payer health care claims database and the database that is exempt from disclosure under RCW 43.371.040	2014 c 223 s 17
	42.56.360(2)		Health care information disclosed to health care provider without patients permission	1991
	42.56.360(3)(a)		Documents relating to infant mortality reviews	1992
		42.56.360(4)	Info & documents relating to maternal mortality reviews pursuant to RCW 70.54.-- (section 1 of this act) (expires 6/30/2020)	2016 c 238 s 13
Domestic violence	42.56.370		Client records of community sexual assault program or services for underserved populations	1991 2012 c 29 s 13
Part III: Confidential Information and Exceptions from disclosure in other statutes				
	4.24.250		Hospital review committee records on professional staff	1971
	4.24.601		Trade secrets and confidential research, development or commercial information	1994
	4.24.611		Trade secrets, confidential research, development or commercial information concerning products or business methods	1994
	4.92.210		Information in centralized risk management claim tracking system	1989
	5.60.060		General statements of privileged communications between persons & various professionals, e.g., attorneys or physicians - presumably applies to records	1954 & later dates
	7.68.080(10)		At the request of health care contractor, department must keep financial and trade information confidential	2011 c 346 s 501
	7.68.140		Records re. Victims of crimes confidential & not open to inspection	1973
	7.96A.030(4)		Name, address, or photograph of child victim or child witness	1985
Counselors	18.19.180		Information counselors acquire and acknowledgment of practice disclosure statements	1987
	18.53.200		Information and records of optometrists	1975
	18.71.0195		Contents of physician disciplinary report	1979
	18.71.340		Entry records under impaired physician program	1987
	18.83.110		Communications between client and psychologist - could apply to records	1955
Health care professions	18.130.057(2)(b)		Disciplining authority may not disclose information in a file that contains confidential or privileged information regarding a patient other than the person making the complaint or report	2011 c 157 s 1
	18.130.095(1)(a)		Treatment and pretreatment records of health professionals referred to voluntary substance abuse monitoring program under uniform disciplinary act	1997
	18.130.172(1)		Summary and stipulations in complaints against health care professionals	1993
	18.130.175(4)		Voluntary substance abuse treatment records of licensed health care professionals	1988

Subject	RCW (Effective 2012)	RCW (Effective 2013 and later)	Description	Date Enacted
	42.48.020 & 42.48.040		Personally identifiable public records used in scientific research	1985
State Government	43.01.425		Crisis referral services communications and information are confidential	2009 c 19 s 2
	43.70.050(2)		Health care related data identifying patients and providers obtained by state agencies	1989
	43.70.052		DOH must maintain confidentiality of patient discharge data collected under sub (1) of the section	1995 2014 c 220 s 2
	43.70.056(2)(e)(ii)		Hospital reports and information on health care-associated infections	2007
	43.70.695(5)		Healthcare workforce surveys identifying individual providers	2006
Family & Medical Leave		50A.--.(4)	Information pertaining to employees under this chapter is confidential (but may be reviewed by department employees or representatives)	2017 3rd sp.s. c 5 s 29
		50A.--.(5)	Departmental outreach to explain benefits, including confidentiality	2017 3rd sp.s. c 5 s 29
		50A.--.(2)(b)	Information obtained under this chapter from employer records is confidential	2017 3rd sp.s. c 5 s 33
		50A.--.(4)	Information in surveys of the ombuds office for families and medical leave is confidential	2017 3rd sp.s. c 5 s88
	68.50.105		Records of autopsies and post mortems; conditions, limitations on exemption	1953 2013 c 295 s 1
	68.64.109		Certain information released to tissue or organ procurement organization is confidential	2008 c 139 s 21
Food, Drugs, Cosmetics, and Poison	69.51.050		Names of persons participating in controlled substances therapeutic research programs	1979
	70.02.020, 70.02.050, et al.		Health care info disclosed to health care provider w/o patients' permission	1991
		70.02.220 through 70.02.260	Health care information	2013 sp.s. c 200 s 6-10
	70.05.170		Medical records re: child mortality review	1992
	70.24.022		Info gathered by health care workers from interviews re. sexually transmitted diseases	1988
	70.24.024		Records of hearings on orders related to sexually transmitted diseases	1988
	70.24.034		Records on hearings on dangerous sexual behavior of sexually transmitted disease carriers	1988
	70.28.020		Tuberculosis records	1899
	70.41.200(3)		Info maintained by a health care services quality improvement committee	1986
	70.41.220		Hospital records restricting practitioner's privileges in possession of medical disciplinary board	1986
	70.42.210		Identity of person from whom specimens of material were taken at a medical test site	1989
	70.47.150		Records of medical treatment	1990
	70.54.250		Cancer registry program	1990
		70.54.450 (1) and (4) Expires 6/30/2020	(1) Information collected or maintained by the maternity mortality review panel or the department of health in support of the panel or department. (4) Meetings may be confidential and conducted in exec session at discretion of panel. X-ref 42.56.360(4)	2016 c 238 s 1

Subject	RCW (Effective 2012)	RCW (Effective 2013 and later)	Description	Date Enacted
	70.58.055(2)		Info on birth & manner of delivery kept in birth certificate records	1991
	70.127.190		Hospice records	1988
	70.129.050		Personal and clinical records of long-term care residents	1994
	70.168.070		Limitations on disclosure of reports made by hospital trauma care on-site review teams	1990
	70.168.090		Patient records and quality assurance records associated with trauma care facilities	1990
	70.170.090		Charity care information in hospitals	1989
	70.230.110		Ambulatory surgical facilities data related to the quality of patient care	2007
	71.05.620		Records on mental health treatment	1989
	71.24.035(5)(g)(h)	Relettered (5)(h)	Mental health records confidentiality	1982 2016 sp s. c 29 s 503
	71.34.335		Minors' mental health treatment records	1985
	71.34.340		Minors' mental health treatment records	1985
	71A.14.070		Confidential info re. developmentally disabled persons	1988
	72.05.130(1)		Reports regarding children with behavioral problems	1951
	74.13.640		Child fatality reports are subject to disclosure but confidential information may be redacted	2011 c 61 s 2