

REQUEST FOR CLARIFICATION/INTERPRETATION

	Name and Title: Jannis Conselyea	FROM:	Name and Title: Randy Kenyon CMAG Chair
	Organizational Unit:		Organizational Unit:
	Address: DDP Central Office		Address: Kalispell

1. TYPE OF REQUEST: Follow-up to Verbal Request Written Request

2. STATEMENT OF QUESTION OR ISSUE: There has been a lot of confusion regarding Therap access. My question is: Do family members, guardians and consumers have access to Therap, and if they do, what information are they entitled to (GERs, T-logs, etc)?

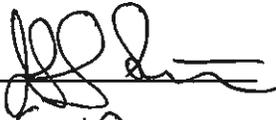
3. ANSWER: A legal guardian has the right to access health care information that would be entered into the web-based application THERAP. A family member would need authorization from the individual, unless they were the legal guardian. The individual themselves may also have access to their health care information, with the following exceptions: 50-16-542 MCA;

(1) A health care provider may deny access to health care information by a patient if the health care provider reasonably concludes that:

- (a) knowledge of the health care information would be injurious to the health of the patient;
- (b) knowledge of the health care information could reasonably be expected to lead to the patient's identification of an individual who provided the information in confidence and under circumstances in which confidentiality was appropriate;
- (c) Knowledge of the health care information could reasonably be expected to cause danger to the life or safety of any individual;
- (d) the health care information is data, as defined in 50-16-201 MCA that is compiled and used solely for utilization review, peer review, medical ethics review, quality assurance, or quality improvement;
- (e) the health care information might contain information protected from disclosure pursuant to 50-15-122 MCA;
- (f) the health care provider obtained the information from a person other than the patient ; or
- (g) access to the health care information is otherwise prohibited by law.

If a provider denies access to exam or copy health care information it must be justified and stated in writing with an explanation as to why access was denied.

Approved and Issued by:

(Program Director) 
Date: 10-8-10

<small>STATE USE ONLY</small>	4: DISTRIBUTION: One Copy: One Copy: One Copy: Additional Copies: <input type="checkbox"/>	Requestor Manual Coordinator Division Files	5: FOLLOW-UP: <input type="checkbox"/> To be issued as Bulletin to: _____ (Division Administrator) Manual. Expected Date of Issuance: <input type="checkbox"/> A R M. Change <input type="checkbox"/> State Plan Change
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