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Release of Information in California: Inmates

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E-book Series, 10 of 12

The Release of Information (ROI) in California is a series of 12 E-books that will help you navigate and understand the complex state and federal laws, as well as best practices related to managing and releasing protected health information. The ROI E-book series contains content that falls under HIPAA, federal regulations, and is specific to California state laws.

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Each ROI E-book includes an overview of the topic and extensive references. **Self Assessment Quizzes** are designed in multiple-choice and true/false format, and assess your understanding of the subject matter. A link to the Quiz is provided with each purchased E-book, and corrected answers will be displayed so you can receive automatic feedback.



Upon completion of the Self Assessment Quiz, a **Certificate of Completion (CEU)** will be made available to download and print. You will not be able to access the Certificate after exiting the Quiz, so be sure to download it immediately and retain as evidence of the earned continuing education.

Product Code	Release of Information in California:	CEU's Offered
E-book 001	Introduction **	Two
E-book 002	General Releases	Two
E-book 003	Medical Records and the Court System	Three
E-book 004	Workers Compensation	Three
E-book 005	Elder, Dependent Adult and Child Abuse	Two
E-book 006	Coroner's Office	Two
E-book 007	Public Health Agencies	Two
E-book 008	Business Associates	Two
E-book 009	Government Agencies	Two
E-book 010	Inmates	Two
E-book 011	Law Enforcement	Two
E-book 012	Special Health Records	Two

** CHIA recommends you read the *Release of Information in California: Introduction* E-book first. This E-book is offered at no charge and includes the "Glossary of Terms" that is used in all subsequent ROI E-books.

Additional CHIA Resources

To view sample pages or purchase these E-books, or to view more details about CHIA's publications and Webinar Replays, visit www.CaliforniaHIA.org/Resources

Forward

The purpose of this E-book is to provide accurate and authoritative information on proper and adequate disclosure of health information. The California Health Information Association (CHIA) is not engaged in rendering legal services, and providing legal advice is beyond the scope and intent of the E-books.

Release of Information in California: Inmates

This E-book will assist the student in understanding federal privacy laws (HIPAA) and California state laws in regard to release of protected health information (PHI) pertaining to inmates in the custody of local, state, and federal agencies, what PHI may be released upon request, whether a signed authorization for release of information is necessary, and what regulations apply in the context.

Student Learning Outcomes and Objectives

Upon completion of the *Release of Information in California: Inmates* E-book, students will be able to understand what roles medical records play within the legal system and what legal processes should be followed. These are important issues and the health information staff and custodians of records must understand the legal requirements in order to comply with the various types of requests for medical records that may be received by a health care provider:

- Understand the importance of maintaining the confidentiality of patient records and protected health information (PHI) and what PHI when requested to disclose information to law enforcement.
- Understand what types of PHI may be released and under what circumstances.
- Describe federal and state legislation regarding inmate patient privacy and release of information.
- Understand the context of health care in corrections and the relationship between community health, public health and correctional health.
- Understand and appreciate the complexities and responsibilities inherent in releasing protected health information to internal and external requestors.
- Articulate the importance of releasing-patient specific health information according to current laws and regulations.
- Differentiate between the different state of California and federal laws regulating release of patient specific information and apply them appropriately in all situations.
- Utilize resources to maintain current competencies and keep abreast of changing requirements.

Release of Information in California: Inmates

Introduction to health care in corrections

There is a symbiotic relationship between community health, public health, and correctional health. Release of information is one discipline that participates in this triadic relationship on a regular basis. Some may say, "Oh them!" when referring to any correctional health care facility. But is that really true? Patients in the community health setting have come from correctional facilities, and vice versa. Patients with communicable diseases are followed by the public health department regardless of the type of facility providing health care. "The Health Status of Soon-to-be-Released Inmates, a Report to Congress" prepared in 2002 by the National Commission on Correctional Health Care (NCCHC) provides an informative overview of the health status of inmates and the impact of their release into the community [http://www.ncchc.org/pubs/pubs_stbr.html]. The collective state-of-health-care involves community health care, public health monitoring, and correctional health care, which is the health care provided to "inmates."

Release of information activities facilitates the coordination of community health care, public health activities, and correctional health care.

Inmates

Under the final Privacy Rule of HIPAA, identifiable health information pertaining to "inmates" has been defined as "protected health information (PHI). An "inmate" is defined as a person incarcerated in a correctional institution or otherwise held in lawful custody. A "correctional institution" is defined as "any penal or correctional facility, jail, reformatory, detention center, work farm, halfway house, or residential community program operated by, or under contract to, the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, for the confinement or rehabilitation of persons charged with or convicted of a criminal offense or other persons held in lawful custody (§164.501)." In HIPAA these broad definitions of inmates and correctional institutions apply to persons that are incarcerated as well as any person detained for criminal law violations. For the intent and purpose of this e-book, the above definitions of inmates, correctional institutions, and inmate protected health information apply throughout.

Examples of inmates held in federal jurisdiction are those held by the Department of Justice, the United States Marshall Service, or the Immigration and Customs Enforcement (ICE). Examples of inmates held in state jurisdiction are those held by the California Department of Corrections and Rehabilitation (CDCR was formed by Senate Bill 737, Chapter 10, Statutes of 2005). The CDCR is the largest department in state government and is responsible for the state's youth and adult correctional departments. California maintains the second largest adult correctional system in the United States with 164,000 inmates. The consolidation and reorganization of the state's adult and youth correctional departments, among others, involves the California Youth and Adult Correctional Authority, the Department of Corrections, the Bureau of Prisons, and the Youth Authority. The California Standards Authority is responsible for the development and maintenance of statewide standards for the operation of institutions and facilities. The Division