

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES**



POLICY	
Department on Disability Services	Subject: <i>Records Management Policy</i>
Responsible Program or Office: <i>Department on Disability Services</i>	Policy Number: <i>2015-DDS-0019</i>
Date of Approval by the Director:	Number of Pages: 5
Effective Date: January 29, 2015	Expiration Date, if any:
Supersedes Policy Dated: September, 2008 (Updated to comply with People First Language Policy)	
Cross References, Related Policies and Procedures, and Related Documents:	

1. PURPOSE

The purpose of this policy is to establish the protocols, procedures and standards that govern how people will formally request information from the permanent records of people receiving services as part of the Department on Disability Services (DDS), delivery system.

2. APPLICABILITY

This policy applies to all employees of the Department on Disability Services (DDS) any person or provider organization that receives District or Federal funds to serve DDS people and all persons with developmental disabilities. As well as, legal representatives, court monitors or others who have authorization to access the person's records.

3. AUTHORITY

The authority for this policy is established in the Department on Disability Services ("DDS") as set forth in D.C. Law 16-264, the "Department on Disability Services Establishment Act of 2006," effective March 14, 2007 (D.C. Official Code § 7-761.01 et seq.); and D.C. Law 2-137, the "Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978," effective March 3, 1979 (D.C. Official Code § 7-1301.01 et seq.).

4. DEFINITIONS

Record: The term "records" used in this policy means records as described in the D.C. Office of Public Records Code §1500.1 As defined in the law, paper-based and special records when they are made or received by DDS in connection with the transaction of Government business that are maintained or should be maintained by DDS as to how it was organized, what functions it performed, how to carry out those functions, how it related to other agencies and public, or because the materials contain information on DDS.

Records Manager (RM): The Records Manager is responsible for the overall administration of the records management program and staff. When there are changes in the legislations, regulations, and administrative directives or issuances that affect the records management work processes, the existing protocol are amended and when needed new ones are developed.

Records Management Technician: The Program Support Assistance is the person designated to carry out the functions as outlined in the Records Management Operational Manuel.

Outside Entities: Legal Representatives, Court Monitors or others designated by the consumer to access his/her records.

5. POLICY

It is the policy of DDS to ensure that all records created by DDS are maintained for continuity and consistency in a confidential and secure manner and that protocol are developed in accordance with legislation, regulation, and administrative directives and issuances.

6. RESPONSIBILITIES

The responsibility for this policy is vested in the Director, Department on Disability Services, and the implementation of policy is the responsibility of the Deputy Director of Administration.

7. STANDARDS

In order to ensure compliance with this policy DDS has adopted the following standards:

The Records Manager shall:

1. Oversee all records procedures as it pertains to record management.
2. Ensure compliance with all District/Federal laws and regulations as it pertains to confidentiality of individual's records.
3. Establish a written procedure which governs the access and removal of records from the Office of Records by DDS staff and outside entities.

Laura L. Nuss
Laura L. Nuss, Director

1/28/15
Date

DEPARTMENT ON DISABILITY SERVICES

RECORDS ROOM MANAGEMENT OPERATIONAL PROCEDURES

PURPOSE

The purpose of this operational procedure is to establish the protocols, procedures and standards that govern how individual's will formally request information from individual's permanent records, the roles and responsibilities of the Records Management Personnel and all individuals who access the official records of persons who receive services as part of the DDS Service Delivery System.

AUTHORITY:

The authority and functions for this policy is vested as set forth in Act 16-672, effected December 29, 2006, Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, Evans Consent Decree and the Evans Exit Plan, D.C. Law 2-137, Health Insurance Portability and Accountability Act (HIPAA) of 1996, and D.C. Office Public Records Code §1500.

DEFINITIONS:

Record: The term "records" used in this policy means records as described in the D.C. Office of Public Records Code §14307. As defined in the law, paper-based and special records when they are made or received by DDS in connection with the transaction of Government business that are maintained or should be maintained by DDS as to how it was organized, what functions it performed, how to carry out those functions, how it related to other agencies and public, or because the materials contain information on DDS.

Outside Entities: Legal Representatives, Court Monitors or others designated by the Individual's to access his/her records.

ROLES & RESPONSIBILITIES:

Records Manager (RM): The Records Manager is responsible for the overall administration of the records management program and staff When there are changes in the legislations, regulations, and administrative directives or issuances that affect the records management work processes, the existing protocol are amended and when needed new ones are developed.

Records Management Technician: The Program Support Assistance (RMT) is the person designated to carry out the functions as outlined in the Records Management Office.

Service Coordinators: responsible for adhering to all procedures related to the notification requirement in order to receive a record in a timely manner.

TO ACCESS RECORDS IN DDS RECORDS ROOM

Accessing a person's six pocketed record (Application and Identification Documents, Case Documentation/ Individual Service Plan, Health Care Information, Service Reports, Medicaid Waiver and Correspondence/Legal and Miscellaneous) is governed by DDS policy/operational procedures, the D.C. Freedom of Information Act (FOIA), D.C. Laws pertaining to the Confidentiality of Records and all requirements as set forth in the Health Insurance Portability and Accountability Act (HIPAA).

CONFIDENTIALITY AND HIPAA STATUTE COMPLIANCE

When an employee or provider accesses or removes documents from an individual's file ,the file/documents if removed from the Records Room are to be maintained in a secure file cabinet, locked draw, or locked office when they are not being reviewed by the requestor.

Employees or providers are not to share an individual's file or information with anyone who is not directly responsible for providing services, legal assistance, or duly authorized to review the person's record. Sharing of this information is a violation of the District's Confidentiality Statutes and HIPAA Law. Any violation to these laws will subject the employee, provider and agency to sanctions for violating the law.

NOTIFICATION REQUIREMENTS

Service Coordinators must adhere to the notification requirement in order to receive a record in a timely manner. All person(s) requesting a person's record must complete, sign and date a **DDS Individual's Record Request (IRR) Log** and record the following: the person's name, last four-digit of Social Security number, and the action requested (reviewing, copying, removing). (See filing procedures for notification requirements)

- A request for 1 to 9 Records — Using the IRR Log records will be pulled same day according to the order of request.
- A request for 10 or more Records — Using the IRR Log minimum of 1 day in advance of coming to Records Room. If 10 or more records are need immediately, a minimum of 1 hour in advance of coming to Records Room is required.
- A period of 48 hours- will be allotted to each Requestor of an individual's record removed from the Records Room. If the record is needed pass the 48 hours, the Requestor must return the record and sign a NEW IRR Log to extend the time allotted.

HOW TO REQUEST RECORDS

DDS individual's record can be requested from the Records Room. All person(s) requesting a person's record must complete, sign and date a DDS Individual's Record Request (IRR) Log and record the following: the person's name, last four digit of Social Security - number, and the action requested (review, copy, remove, request from archive). The form is located in the Records Room. Once completed the Records Room can receive and respond to the request by:

- Walk-ins to the DDS Records, 1125 15th Street, NW, 2nd Floor, Monday through Friday, 8:30 a.m. to 4:30 p.m. The last record request is at 4:15 p.m.
- Fax to (202) 730-1514 and call the Records Room (202) 730-1684 to let them know you faxed the request.

REVIEWING RECORDS

A signed Individual's Record Request (IRR) Log must be signed prior to releasing/reviewing records. All staff of DDS who require access to Individual records, to perform his/her official duties must follow these procedures:

Step 1: Sign a DDS Individual Record Request (IRR) Log recording the following information:

- The individual's name, (last name, first name),
- Last four-digit of individual's social security number. (A notebook of individual's last four-digits is located on the counter in the Records Room),
- Indicate the action you would like to perform (reviewing, copying, and removing),
- Sign and date the DDS Individual Record Request (IRR) Log

Step 2: The RMT must verify that any employee of DDS or any government agencies have a government ID before accessing records. To access a record the person requesting the record must complete the IRR Log and adhere to the guidelines set forth in the protocol for accessing records.

A. When the log is signed and dated, the RMT shall:

1. Retrieve record(s) from the Lektrieer.
2. Upon the return of the record the RMT must update the log and record.
3. Return the record, to the Lektriever.

B. Retrieving Records for Outside Entities (i.e., F.O.I.A):

The RMT will make necessary copies when the record is readily available.

Upon receipt of the "Consent for Release of Information Form" (CRIF) from the Individual or his/her personal representative or parent/guardian the RMT shall:

1. Verify that the "Consent for Release of Information Form" is not expired and has verifiable authorized signatures. If not, the RMT must request an up-to-date Consent form.
2. Since no records can be released without the approval of the DDS General Counsel, below are the procedures which must be followed:

- a. When a record request is made for a document which is stored outside the agency, (i.e., DC Records Storage Facility or the Federal Repository in Suitland, Maryland) the RMT on behalf of the Department has 45 days to locate and copy the information.
- b. Once the documents have been retrieved, all copied documents must be sent to the DDS General Counsel, for review before releasing the information.
- c. Within 10 days of receipt of the information, the DDS General will review and return the document(s) to the Records Manager with his approval to release the record to the Individual's personal or legal representative.
- d. Upon approval from the DDS General Counsel, the Records Manager will call the Individual's personal or legal representative who will be required to report to the office where he/she will sign for the requested document. If for some reason the requestor is unable to personally pick up the document the Records Manager will make arrangements to have the document mailed.

REMOVING ENTIRE RECORDS FROM THE RECORDS ROOM

Service Coordinators desiring to remove an entire record folder from the Records Room must adhere to the "Notification Requirement" and the IRR Log must be signed by one of the authorities listed below prior to the RMT releasing the record:

- Service Coordination Program Manager
- Supervisory Service Coordinator
- Chief of Incident Management

It is the policy of DDS, that all records must be returned to the Records Room within 48 hours of being signed out. If for some reason the record must be out longer than 48 hours, the record must be returned to Records Room and checked-out again. However if the record is not returned within the 48 hour period, it is the responsibility of the employee to ensure that the record is secured in a locked file cabinet, locked draw, locked office and under no circumstances is the file to be left out on an employees desk or the contents of the record shared with anyone who is not directly responsible for providing services, legal assistance, or duly authorized to review the person's record. Sharing of this information is a violation of District's Confidentiality Statutes and HIPAA Law. Any violation to these laws will subject the employee, provider and agency to sanctions for violating the law.

REMOVING ORIGINAL DOCUMENTS FROM INDIVIDUAL'S RECORD

- A. When a Service Coordinators receives a request for the original birth certificate, and social security card for ID purposes, and/or passport, the following procedures are to undertaken:

- The Service Coordinators must sign the DDS Individual's Record Request (IRR) Log and designate the appropriate box specifying the task to be undertaken in the individual's record.
 - The Service Coordinators must sign, date and state reason for removal of the original document from the individual's record.
 - The Service Coordinators will receive the original document and a copy of the original document(s) will be placed in the individual's record until the original is returned.
 - If the original document is needed beyond 48 hours, the Service Coordinators must notify the Records Room prior to the 48 hours deadline and request an extension.
 - If the document(s) is not returned the Records Room within 48 hours, the Service Coordinator will be notified by email and telephone.
- B. When a Provider or other authorized entities request the original birth certificate, and social security card for ID purposes, and/or passport, the following procedures are in place:
1. The Provider will report to the records room where he/she will meet with the RMT:
 - a. The provider shall sign the DDS Individual's Record Request (IRR) log and complete a (CRIF) in order to obtain the Individual's document.
 - b. The RMT will retrieve the record to see if the original document(s) is in the record and if so, the Provider will be provided with the original document. At this time he/she will be informed that he is responsible for ensuring that the original document is returned to the agency.
- C. The RMT will perform the following tasks:
1. Record on the IRR Log, the date the document was given to the Provider and the date the document is to be returned to the agency.
 2. A copy of the original document(s) is made and the original is given to the Provider.
 3. If the document(s) is not returned to the Records Room the morning after the agreed upon return date, the person(s) in possession of the document will be notified by email and telephone.
 4. When the original document(s) is returned, the RMT signs and dates the IRR Log and indicates that the document(s) have been returned.
 5. The original document is placed back in the Individual's record along with a copy of the IRR Log.
 6. The RMT will retrieve all records within 72 hours of being signed out where appropriate. If the record must be out longer than 72 hours, the record must be returned to Records Room and checked-out again. Person(s) in possession of the record will be notified by email, and telephone.
 7. Once documents are returned to the records office, the RMT will be responsible for filing all documents into the individual's permanent record.

COPYING INFORMATION FROM INDIVIDUAL'S RECORD

Service Coordinators can copy their own records; however, cannot remove records from the Records Room if information must be copied at a different location. Service Coordinators can also

- a. When a record request is made for a document which is stored outside the agency, (i.e., DC Records Storage Facility or the Federal Repository in Suitland, Maryland) the RMT on behalf of the Department has 45 days to locate and copy the information.
- b. Once the documents have been retrieved, all copied documents must be sent to the DDS General Counsel, for review before releasing the information.
- c. Within 10 days of receipt of the information, the DDS General will review and return the document(s) to the Records Manager with his approval to release the record to the Individual's personal or legal representative.
- d. Upon approval from the DDS General Counsel, the Records Manager will call the Individual's personal or legal representative who will be required to report to the office where he/she will sign for the requested document. If for some reason the requestor is unable to personally pick up the document the Records Manager will make arrangements to have the document mailed.

REMOVING ENTIRE RECORDS FROM THE RECORDS ROOM

Service Coordinators desiring to remove an entire record folder from the Records Room must adhere to the "Notification Requirement" and the IRR Log must be signed by one of the authorities listed below prior to the RMT releasing the record:

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- Supervisory Service Coordinator
- Chief of Incident Management

It is the policy of DDS, that all records must be returned to the Records Room within 48 hours of being signed out. If for some reason the record must be out longer than 48 hours, the record must be returned to Records Room and checked-out again. However if the record is not returned within the 48 hour period, it is the responsibility of the employee to ensure that the record is secured in a locked file cabinet, locked draw, locked office and under no circumstances is the file to be left out on an employees desk or the contents of the record shared with anyone who is not directly responsible for providing services, legal assistance, or duly authorized to review the person's record. Sharing of this information is a violation of District's Confidentiality Statutes and HIPAA Law. Any violation to these laws will subject the employee, provider and agency to sanctions for violating the law.

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- Indicate the action you would like to perform (reviewing, copying, and removing),
- Sign and date the DDS Individual Record Request (IRR) Log

Step 2: The RMT must verify that any employee of DDS or any government agencies have a government ID before accessing records. To access a record the person requesting the record must complete the IRR Log and adhere to the guidelines set forth in the protocol for accessing records.

A. When the log is signed and dated, the RMT shall:

1. Retrieve record(s) from the Lektrieer.
2. Upon the return of the record the RMT must update the log and record.
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The RMT will make necessary copies when the record is readily available.

Upon receipt of the "Consent for Release of Information Form" (CRIF) from the Individual or his/her personal representative or parent/guardian the RMT shall:

1. Verify that the "Consent for Release of Information Form" is not expired and has verifiable authorized signatures. If not, the RMT must request an up-to-date Consent form.
2. Since no records can be released without the approval of the DDS General Counsel, below are the procedures which must be followed:

copy information for an outside entity (attorneys, providers, and any other authorized representative). The RMT will be responsible for refilling any information removed from an individual's record. Service Coordinator's who are unable to copy a document in the individual's record will adhere to the following procedures:

1. Sign a DDS Individual Record Request (IRR) Log.
2. Indicate the document you want copied from one of the six-part folder guides.
3. Make sure to sign, and date at the bottom of the DDS Individual Record Request (IRR) Log.
4. When you are finished, selecting the appropriate document, place the record on the File Rack for the Record Room staff to check-in to and file back into the Lektriever.

When an outside entity request copying of information from the individual's records, the Service Coordinator will coordinate with the RMT to ensure that the person requesting the information has permission to access a record.

RECEIVING NEW INDIVIDUAL'S RECORDS FROM INTAKE

The Service Coordinators is responsible for submitting new Individual records to the Records Room **within 2-3 days of receipt from the Intake Service Coordinators**. That record is considered the permanent record and must be housed in the Records Room. Upon arrival in the Records Room, you will receive a **receipt** from the RMT staff acknowledging the new Individual record.

REQUESTING ARCHIVED RECORDS

Consistent with the city's Record Retention Statute, after certain time frames the individual's records are archived off-site. If a record you are requesting is located at the District's Archive Center and the Suitland Maryland Federal Documents Repository. When an individual's record has been placed in storage below are the procedures that must be followed:

- A. Service Coordinators shall request from the RMT that an Individual's records from the off-site record storage be obtained. The request must contain the following information:
 - The Individual's name, (last name, first name),
 - Last four-digit of an Individual's social security number. (A notebook of Individual's last four-digits is located on the counter in the Records Room),
 - Indicate the action you would like to perform (Retrieve from Archive,
 - Sign and date the DDS Individual's Record Request (IRR) Form,

- B. Once the records have been retrieved from the repository, the RMT must verify the identity of the employee or any government agencies requesting information in the record. When appropriate verification has been made the RMT in conjunction with the Service Coordinator will remove the appropriate document, make a copy of the documents, distribute to the appropriate person, have all pertinent persons sign the IRR Log and ensure compliance with all DC Laws and regulations pertaining to confidentiality of medical records before the document is transmitted to the requesting person.

