



FOR IMMEDIATE RELEASE

North Suburban Regional Human Rights Authority
Report of Findings
HRA #08-100-9033
North Aurora Care Center

Case Summary: The ex-resident has received information from her clinical record, and she is requesting materials that are not the property of North Aurora Care Center. The findings do not substantiate the allegation. The HRA's public record on this case is recorded below.

In June 2008, the North Suburban Regional Human Rights Authority opened an investigation of possible rights violations within North Aurora Care Center. A complaint was received that reported that an ex-resident had been unable to receive a copy of her clinical record that has been kept by the facility. If found substantiated, the allegation would be a violation of the Nursing Home Care Act (210 ILCS 45/2-104).

Background

North Aurora Care Center, located in North Aurora, is a 129-bed psychiatric rehabilitation facility that addresses the medical, psychiatric and social needs of persons with mental illness. Residents range in age from 21-90, with a variety of mental health diagnoses that include: schizophrenia, mood disorders, anxiety disorders, phobias, dual diagnosis, substance abuse and closed head injuries.

Method of Investigation

To pursue this investigation, the HRA requested and reviewed the facility's policy on record review. The allegation was discussed with the facility's Administrator and the Director of Social Services.

Findings

It was reported that the ex-resident (who lived at the facility for about two years) requested information from her medical record and after the first request, she received only about twelve pages of information. Subsequent the second request, about twenty-five pages of documents were received. A staff member from the ex-resident's current placement then went to North Aurora Care Center with the resident to obtain additional information; some materials were received, but the ex-resident is still in need of more information such as medical records from hospitalizations that occurred during her stay at the facility and physician's notes. The resident stated that she was told that the facility cannot provide information from a physician that was not affiliated with the facility and that she must request that information from that provider.

At the site visit, the HRA was advised that North Aurora Care Center has no problem giving out information to family, friends or residents as long as it is information from the facility and follows the HIPAA (Health Insurance Portability and Accountability Act) regulations that

are mandated by the Federal Government. It was further stated that any outside entities or contractor's notes are their property and North Aurora Care Center has no right to send out this information - this must be requested from its source. However, anyone requesting information following the HIPAA guidelines will be given the names and address of any outside entity or contractor.

It was further stated that North Aurora Care Center has sent this resident requested documents from her chart, they have delivered documents from her chart to her new residence and she had come to North Aurora Care Center to review and copy documents from her chart. It was reiterated that North Aurora Care Center cannot copy and /or provide information to a resident from an outside entity.

Upon hearing that the ex-resident was able to go to the facility and pull what she wanted from the chart for copying, she was contacted for confirmation. She stated that she was not able to do this - however it is noted that previously she stated she went to the site and received some information but still needs more. The HRA has been unsuccessful in its attempts to contact the Case Worker that accompanied the ex-resident for further clarification.

The Center's Notice of privacy practices policy states (in part) that the resident has the right to inspect and obtain a copy of his/her Protected Health Information, including resident medical records and billing records. The resident must submit the request in writing and a fee may be charged for the cost of copying mailing, labor and supplies associated with the request.

Conclusion

The Health Insurance Portability and Accountability Act (HIPAA) was enacted by the U.S. Congress in 1996. It establishes regulations for the use and disclosure of Protected Health Information (PHI). PHI is any information about health status, provision of health care, or payment for health care that can be linked to an individual. This includes any part of a patient's medical record or payment history.

Pursuant to Section 2-104 of the Nursing Home Care Act, "Every resident, resident's guardian, or parent if the resident is a minor shall be permitted to inspect and copy all his clinical and other records concerning his care and maintenance kept by the facility or by his physician. The facility may charge a reasonable fee for duplication of a record." By the ex-resident's own admission, she has received information from her clinical record, and she is requesting materials that are not the property of North Aurora Care Center. The findings do not substantiate the allegation.