



**ALABAMA MEDICAID AGENCY**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:** 560-X-20-.05 – Release of Information – All Providers

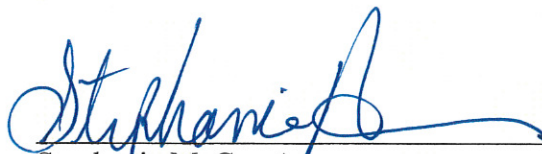
**INTENDED ACTION:** Amend 560-X-20-.05

**SUBSTANCE OF PROPOSED ACTION:** The above referenced rule is being amended to update Third Party procedures in regards to the release of medical information. These updates coincide with current policies that have previously been implemented by Medicaid and reflect changes that comply with HIPAA privacy rules.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than January 2, 2015.

**CONTACT PERSON AT AGENCY:** Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624.



Stephanie McGee Azar  
Acting Commissioner



Rule No. 560-X-20-.05. Release of Information - All Providers

(1) Requests for copies of recipient's medical bills, histories, and statements provide Medicaid with third party resource leads. Therefore, information that is released by providers and that pertains to the care and treatment of a Medicaid recipient must be documented and reported to Medicaid in the following manner. Failure on the part of the provider to meet these requirements may result in recoupment of Medicaid payment.

(a) Claims submitted by the provider to a health plan or other entity for the purpose of the provider obtaining payment must include an assignment of benefits to the provider.

(b) Billing statements, itemized billings, and medical records released for reasons other than the provider obtaining payment must include the following statement clearly printed on the documents released: **Medicaid has a subrogation/assignment interest. Contact Medicaid.**

(c) Complete a "Request for Medical Records" form to identify the requestor and reason for the request for medical records information. A "Request for Medical Records" can be obtained from the Alabama Medicaid Agency website and submitted to the address or fax # listed on the form.

(2) When a Provider receives a subpoena they should respond immediately and send a copy of the subpoena to the Third Party Division of the Alabama Medicaid Agency, indicating the records have been released. Sending a copy of the subpoena to the Third Party Division will serve as sufficient notice of a medical record request, therefore, completing a "Request for Medical Records" form is not required.

(432) Excluded from this requirement to notify Medicaid's Third Party Division is information released to the following entities: Information pertaining to a patient's treatment (including billing statement, itemized bills, etc.) may be routinely released ONLY UNDER THE FOLLOWING CIRCUMSTANCES AND/OR TO THE FOLLOWING AGENCIES if Medicaid has been billed or is expected to be billed:

- (a) The Medicaid Fiscal Agent,
- (b) The Social Security Administration,
- (c) The Alabama Vocational Rehabilitation Agency,
- (d) The Alabama Medicaid Agency,
- (e) Requests from insurance companies for information pertaining to a claim filed by the

provider ~~in accordance with Medicaid Regulations~~ and for which an assignment of benefits to the provider was furnished to the insurance company.

(f) Requests by insurance companies for information to process an application for insurance, to pay life insurance benefits, or to pay on a loan.

(g) Requests from other providers for medical information needed in the treatment of patients.

~~-(2) If information pertaining to a patient's treatment is requested by any other source, or under any other circumstance, the Alabama Medicaid Agency, Third Party Section, must be contacted PRIOR TO RELEASE OF INFORMATION. The only exception is when a subpoena is received during nonworking hours of the Alabama Medicaid Agency and must be responded to immediately. Should this occur, the provider may respond to the subpoena and must include~~

~~with the released records a notice that the patient was covered by Medicaid. In addition, the provider must notify the Third Party Section of the subpoena as soon as possible.(3) When a Provider receives a subpoena they should respond immediately and send a copy of the subpoena, indicating the records have been released, to the Third Party Division of the Alabama Medicaid Agency.~~

~~-(34) It is This rule is not ~~the~~ intentioned to deny release of information; however, requests for information pertaining to a recipient's charges are a source of third party information and, as such, must be reviewed by the Third Party Section. It does not permit providers to deny individuals access to their records. Providers should not cite Medicaid's rule as cause for not meeting the HIPAA Privacy rule, nor should they attempt to place the responsibility for notifying the Medicaid Agency on the recipient. Providers are to ensure that all HIPAA Privacy and Security rules are met regarding an individual's "right of access to inspect and obtain a copy of protected health information about the individual"~~

**Author:** Wanda Wright, Administrator, Third Party Liability Division.

**Statutory Authority:** 42 CFR Sections 432,433 and 164.524; Section 1902(a)(25), Social Security Act; Section 22-6-6 of 1975 Code of Alabama.

**History:** Effective date of this amendment January 13, 1993. Amended: Filed November 18, 2014.