Aspen Valley Health Aspen Valley Hospital is now Aspen Valley Health		**Policies**
TITLE: AVH response to CORA Requests		
DEPARTMENT: Board of Directors	POLICY NO: 7901.100.010	PAGE: 1 of 4
ISSUE DATE: 7/14	NEXT REVIEW: 1/27	

APPLICABLE CODES AND STANDARDS:

CRS – Title 24, Article 72, Part 2
HIPAA

POLICY:

The Aspen Valley Hospital District (the "District") Board of Directors fully supports, and complies with, all Federal and State laws relating to the retention, protection and disclosure of District records including, but not limited to, the Colorado Open Records Act, Title 24, Article 72, Part 2, C.R.S. ("CORA"), the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), and the Privacy Rule promulgated by the U.S. Department of Health and Human Services which interprets and implements HIPAA.

It is the policy of the District that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law. Public records are defined by CORA as all writings made, maintained or kept by the District for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds [24-72-202(6)(a)(1)]. Public records include the correspondence of elected officials, with certain exceptions. The District maintains an archive of e-mail messages for emergency backup purposes only; such archived e-mail communications are not individually retrievable and are specifically not intended to create a public record. By action of the Board of Directors of the District, the Secretary of the Board is hereby designated as the official Custodian of Records responsible for the maintenance, care and keeping of all records of the District. The official Custodian of Records shall have authority to designate such agents as he/she shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of this policy. Upon receipt, requests by a citizen, entity, Federal or State agency, District member, subpoena, Administrative or Court Order, or other legal process, to inspect and/or copy any District record (collectively referred to as a "Records Request") should be immediately sent to the Custodian of Records (The District Secretary shall act as the District Custodian of Records).

PROCEDURE: AVH as a special district, local government shall follow the process outlined in CRS 24-72-201, et. seq., as amended by the Colorado legislature from time to time. The below represents a basic summary, but is not intended to be complete. Refer to the Colorado Revised Statutes in effect for a full description.

1. Every Records Request shall be submitted to the District's Custodian of Records in writing and be specific as to the information desired.

2. If any question arises as to the propriety of fully complying with a Records Request, the Custodian of Records shall immediately forward it to the District's legal counsel.

3. The District's legal counsel shall determine the District's obligations under the applicable Federal and/or State law(s). If the District is permitted to comply with the Records Request in whole or in part, the District's legal counsel will so notify the District's Custodian of Records, who will assemble the disclosable requested documents for inspection and/or copying in accordance with applicable Federal or State law.

4. If the District's legal counsel determines the District is not permitted by Federal or State law to comply with the Records Request in whole or in part, legal counsel shall provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

5. The Custodian of Records may set the time during normal office hours and the place for records to be inspected and require that the Custodian of Records or a delegated employee be present while the records are examined. Pursuant to CORA, all records must be made available for inspection within three (3) working days, unless extenuating circumstances exist. The deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is notified of the delay within the statutory period.

6. A person granted the right to inspect District records will also be furnished copies requested at a cost as defined and adjusted pursuant to the Colorado statutes. Any Fees charged will be the same for all requesting parties, whether the person requesting the records is an individual, a representative of the media, a public or private entity, or a for-profit or nonprofit entity.

7. Upon request for records transmission by a person seeking a copy of any public record, the custodian will transmit a copy of the record by U.S. Mail, other delivery service, facsimile, or electronic mail. No transmission fees will be charged to the records requester for transmitting public records via electronic mail. Within three days of receiving the request, the custodian will notify the record requestor that a copy of the record is available but will only be sent to the requestor once the custodian either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of

such costs or fees has been waived by the custodian. The custodian will include an estimate of the costs and fees that will be charged

8. When practical, the copy, printout, or photograph of the requested record will be made in the place where the record is kept, but if it is impractical to do so, the Custodian of Records may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities. If other facilities are necessary, the cost of providing requested records will be paid by the person making the request.

This policy shall supersede any previous policy related to records requests.

Approved by: AVH BOD July 14, 2014, updated per CRS changes

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Attachments:

Approved By:
BOD: 7/14, 5/15, 2/18, 11/18, 8/19, 6/20, 7/20, 4/21, 1/22, 3/22, 1/23, 10/23, 7/24, 4/25, 1/26

Reviewed Dates: 7/14, 5/15, 2/18, 11/18, 8/19, 6/20, 7/20, 4/21, 1/22, 3/22, 1/23, 10/23, 7/24, 4/25, 1/26