

# RECORDS AND FORMS MANAGEMENT 5.0

## Confidentiality -- 5.2

### Parent or Guardian Access to a Patient's Medical Record -- 5.2.c

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**Signature:**



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#### **POLICY**

Any parent\*, guardian\*, or person duly authorized by the patient shall have access to information in the patient's record\*\* unless expressly restricted or prohibited by law.

#### **APPLICABILITY**

This policy applies to Local Health Department and Regional Office personnel.

#### **PURPOSE**

To protect the confidentiality of all patients.

#### **PROCEDURE**

The staff member responsible for maintaining the medical records system in each facility is responsible for screening and confirming the identity of a patient's parent\*, guardian\*, or other authorized person requesting to view or obtain copies of information in a patient's medical record to insure that access to certain information is not prohibited by law and/or program policy.\*\* Once the identity and authority of the person making the request is confirmed, medical personnel must be present while the record is being viewed or notified before a copy is made and given to the person making the request. If, however, the request is to see or obtain a copy of a patient's immunization records, medical personnel do not need to be present or notified.

If medical personnel are not available, or if there is a question as to the person's identity or authorization, the health department may have a period of 10 days to respond to the request. If such a situation occurs and is not satisfactory to the person making the request, or if any other problem is involved with the request, the Regional Office should be contacted for direction in managing the request.

All instances of record access or copying, except for internal routing purposes, must be documented and attached to or stored in the patient's medical record. Documentation must consist of the name of the person accessing the record, the date of access, and purpose.

## **REFERENCE DOCUMENTS**

1. [T.C.A. 36-6-101](#)
2. [T.C.A. 37-5-107](#)
3. [T.C.A. 68-34-103](#)
4. [T.C.A. 68-10-101](#)
5. [T.C.A. 68-10-113](#)

## **OFFICE OF PRIMARY RESPONSIBILITY**

Office of the Director, Bureau of Health Services, (615)741-7305

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\*Refers to parents/guardians of unemancipated minors (under 18 years of age) or incompetents. The custody department (Department of Children's Services) qualifies as the custodian of the child if the child is in State custody.

\*\*Please see the instructions in [Policy 5.1.c](#) concerning Family Planning and Prenatal medical records containing STD information.