

	Title: Requesting Public Records 8040-004	
Document Category: Administrative		Document Type: Policy
Department/Committee Owner: Compliance Management		Original Date: August 2002
Approved By (last review): Director Community Relations, Feb 13 President /CEO, Feb 13		Approval Date: Feb 2013 (Complete history at end of document.)

Purpose:

The Kansas Legislature adopted Sub. HB 2864 requiring that all public agencies covered by the Open Records Act appoint a Freedom of Information Officer to assist the public with its open records needs. The duties of the Freedom of Information Officer include:

- Prepare and provide educational materials and information concerning the Kansas Open Records Act;
- Respond to inquiries relating to the Open Records Act;
- Be available to assist Lawrence Memorial Hospital and members of the general public to resolve disputes relating the Open Records Act;
- Establish the requirements for the content, size, shape, and other physical characteristics of a brochure required to be displayed or distributed or otherwise made available to the public under the Open Records Act. In establishing such requirements for the content of the brochure, the Freedom of Information Officer shall include plainly written, basic information about the rights of the requestor, the responsibilities of a public agency, and the procedures for inspecting and obtaining a copy of public records under the Kansas Open Records Act.

Responsibilities:

As an instrumentality of the City of Lawrence, Lawrence Memorial Hospital (LMH) must allow access to all public records that are open for inspection, according to the Kansas Open Records Act, to any individual that makes proper request for such records.

What Records Are Available:

Public records include any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of LMH. The request must be for records that already exist. The Kansas Open Records Act does not require an agency to answer questions or prepare reports or create a record upon request. If there is any question regarding the accessibility of records, they will be clarified by consulting with the hospital’s general counsel.

Exceptions to the Kansas Open Records Act:

Certain records, including but not limited to the following, are excluded from the Kansas Open Records Act and are thus not available upon request.

- Medical treatment records
- Certain personnel information of LMH employees
- Records protected by the attorney-client privilege
- Records containing personal information compiled for census purposes
- Criminal investigation records
- Any records that are specifically prohibited or restricted from disclosure by federal or state law. This includes “protected healthcare information” as well as quality review and risk management information.

Requestor’s Rights:

- To inspect and obtain copies of public records which are not exempted from disclosure by a specific law.
- To obtain a copy of Lawrence Memorial Hospital’s (LMH) policies and procedures for access to records, and to request assistance from the Freedom of Information Officer, who is designated by the LMH Board of Trustees to respond to inquiries relating to the Open Records Act.
- To receive a written response to the request for public records within three business days after such request is received by LMH.
- The response may be that it will take additional time to produce the records.
- The response may deny the request, in whole or part. If the request is denied, the Freedom of Information Officer will identify generally the records to be denied, and the specific legal authority for the denial.

How to Obtain Public Records from LMH:

Written Request: All requests for access or copies of public records must be in writing and include the requestor’s name and address and description of the record to which they are seeking access. Requests should be addressed to:

Janice Early, Freedom of Information Officer
Lawrence Memorial Hospital
325 Maine Street
Lawrence, Kansas 66044

Response Time: LMH will act on each request for access to a public record as soon as possible, but not later than the end of the third business day following the date that the request is received. A response will be provided, estimating fees and providing further information regarding LMH’s ability and plans to provide the requested records. The response may be that it will take additional time to produce the records. Reasons for additional time may include voluminous records, complicated request parameters or difficulty in accessing archived records.

Fees: There is a per copy fee, payable in advance, which is assessed to reimburse LMH for routine costs of retrieving records. The amount is consistent with the fees LMH Health Information Management Department charges for copying medical records, which is set by the Kansas Department of Labor, and requestors will be notified of the current fee in advance. Additional charges may be assessed, where applicable, for research time, postage, fax transmission, and any other costs that are associated with the retrieval of requested records.

Revision History:

ORIGINAL DATE: August 2002

REVISED: September 2004

REVIEWED: April 2007

REVISED: April 2009

REVISED: February 2013, Director Community Relations

February 2013, President/CEO