

9505.2185 ACCESS TO RECORDS.

Subpart 1. **Recipient's consent to access.** A recipient is deemed to have authorized in writing a vendor or others to release to the department for examination according to Minnesota Statutes, section 256B.27, subdivision 4, upon the department's request, the recipient's health service records related to services under a program. The recipient's authorization of the release and review of health service records for services provided while the person is a recipient shall be presumed competent if given in conjunction with the person's application for a program. This presumption shall exist regardless of whether the application was signed by the person or the person's guardian or authorized representative as defined in part 9505.0015, subpart 8.

Subp. 2. **Department access to records.** A vendor shall grant the department access during the department's normal business hours to examine health service and financial records related to a health service billed to a program. A vendor shall make its records available at the vendor's place of business on the day for which access was requested, unless the vendor and the department both agree that the records will be viewed at another location. Access to a recipient's health service record or vendor's records shall be for the purposes in part 9505.2200, subpart 1. The department shall notify the vendor no less than 24 hours before obtaining access to a health service or financial record, unless the vendor waives notice. The department's normal business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding state holidays as defined in Minnesota Statutes, section 645.44, subdivision 5.

Statutory Authority: *MS s 256B.04; 256D.03*

History: *15 SR 2563; 19 SR 1898; 33 SR 127*

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