

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Wednesday, August 21, 2024, and filed with the agency secretary on Wednesday, August 21, 2024.

AGENCY NAME: Alabama Medicaid Agency

INTENDED ACTION: Amend

RULE NO.: 560-X-20-.05
(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **(1), (1)(c), (2), (5)**

RULE TITLE: Release Of Information - All Providers

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 9, AAM,
DATED FRIDAY, JUNE 28, 2024.

STATUTORY RULEMAKING 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

(Date Filed)
REC'D & FILED
(For LR's Use Only)
AUG 21, 2024
LEGISLATIVE SVC AGENCY

Stephanie Lindsay
Stephanie Lindsay

Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

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.

(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 "Notification of Request for Medical Records from Provider" form to identify the requestor and reason for the request for medical records information. In accordance with paragraph (4), 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." The Provider's completion of the Notification of Request for Medical Records from Provider form should not be used to impede a recipient's right to their required information. A provider shall not require the recipient to complete this form, nor shall a provider use this form as a mechanism to prevent a recipient from accessing any information for which he or she is entitled to by law. A "Notification of Request for Medical Records from Provider" form can be obtained from the Alabama Medicaid Agency website and submitted to the address, email, or fax number 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 "Notification of Request for Medical Records from Provider" form is not required.

(3) Excluded from this requirement to notify Medicaid's Third Party Division is information released to the following entities:

- (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 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.

(4) This rule is not intended 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 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."

(5) Failure on the part of the provider to meet these requirements may result in recoupment of Medicaid payment.

Author: Codie Rowland, Director, Third Party Division

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

History: Rule effective March 11, 1985. (See history note at end of chapter.) **Amended:** Filed January 9, 2015; effective February 13, 2015. **Amended:** Published August 30, 2024; effective October 14, 2024.