



**SONOMA VALLEY HEALTH CARE DISTRICT
 GOVERNANCE COMMITTEE
 REGULAR MEETING AGENDA
 TUESDAY APRIL 28, 2015
 8:30AM**

**LOCATION: SOLARIUM CONFERENCE ROOM
 347 ANDRIEUX STREET, SONOMA, CA 95476**

AGENDA ITEM	RECOMMENDATION	
MISSION STATEMENT <i>The mission of the SVHCD is to maintain, improve, and restore the health of everyone in our community.</i>		
1. CALL TO ORDER/ANNOUNCEMENTS	<i>Hohorst</i>	
2. PUBLIC COMMENT SECTION <i>At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, matters presented under this item cannot be discussed or acted upon by the Committee at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Committee consideration.</i>	<i>Hohorst</i>	
3. CONSENT CALENDAR <ul style="list-style-type: none"> • Minutes 03.24.15 	<i>Hohorst</i>	Action
4. ACHD LEGISLATION DAYS REVIEW	<i>Hohorst</i>	Discussion
5. ACHD GOVERNANCE CERTIFICATION SUBMISSION	<i>Hohorst</i>	Discussion/ Action
6. REVISED PUBLIC RECORD REQUEST POLICY	<i>Hohorst</i>	Discussion/ Action
7. ADJOURN Next meeting May 26, 2015	<i>Hohorst</i>	

3.

CONSENT



**SONOMA VALLEY HEALTH CARE DISTRICT
 GOVERNANCE COMMITTEE
 REGULAR MEETING
 MINUTES
 TUESDAY MARCH 24, 2015
 8:30AM**

**LOCATION: SOLARIUM CONFERENCE ROOM
 347 ANDRIEUX STREET, SONOMA, CA 95476**

AGENDA ITEM	RECOMMENDATION	
MISSION STATEMENT <i>The mission of the SVHCD is to maintain, improve, and restore the health of everyone in our community.</i>		
1. CALL TO ORDER/ANNOUNCEMENTS Meeting called to order at 8:30am	<i>Hohorst</i>	
2. PUBLIC COMMENT SECTION <i>At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, matters presented under this item cannot be discussed or acted upon by the Committee at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Committee consideration.</i>	<i>Hohorst</i>	
3. CONSENT CALENDAR <ul style="list-style-type: none"> • Minutes 12.30.14 • No Minutes 01.27.15 (meeting cancelled) • No Minutes 02.26.15 (meeting cancelled; no quorum) 	<i>Hohorst</i>	Action MOTION by Boerum to approve Consent. All in favor.
4. ACHD GOVERNANCE CERTIFICATION SUBMISSION The Policy for Guidelines for Access to Public Records to be completed by March 26, 2015. Policy was approved <i>as amended</i> and will be brought forward to the District Board on 4/2/15 for approval.	<i>Hohorst</i>	Action MOTION by Boerum to approve The Policy for Guidelines for Access to Public Records <i>as amended</i> . All in favor.
5. COMPLIANCE WITH AB 2040 The SVHCD website complies with ACHD requirements transparency.	<i>Hohorst</i>	Inform/Action
6. WEB SITE REVIEW	<i>Hohorst</i>	Inform/Action
8. ADJOURN Meeting adjourned at 8:45am Next meeting May 26, 2015 (subsequently, the next meeting date was changed to April 28, 2015)	<i>Hohorst</i>	

6.

REVISED PUBLIC
RECORD REQUEST
POLICY



POLICY GOVERNING ACCESS TO PUBLIC RECORDS

It is the policy of the Sonoma Valley Health Care District to encourage public participation in the governing process and to provide reasonable accessibility to all public records except those documents that are exempt from disclosure by express provisions of law or considered confidential or privileged under the law.

The following guidelines shall govern the accessibility for inspection and copying of public records of the Sonoma Valley Health Care District. These guidelines are to be administered by the Chief Executive Officer of the District. [Kelly? Should it say "Hospital" rather than District?](#)

Reference, State of California, Government Code, Chapter 3.5 of Division 7, Section 6250, et. Seq. (The Public Records Act).

I. Purpose of Guidelines

The purpose of these guidelines is to serve as general rules to be followed by those persons charged with administration of the procedures concerning Inspection and Copying of Public Records of the Sonoma Valley Health Care District ("the District"). Certain requirements of law must be observed relating to disclosure of records and to the protection of the confidentiality of records. These guidelines set forth the general rules contained in such laws.

II. Definitions

- "Person" includes any natural person, corporation, partnership, firm or association.
- "Public Record" includes any writing containing information relating to the conduct of the business of the District prepared, owned, used or retained by the District regardless of physical form or characteristics.
- "Writing" means handwriting, typewriting, printing, emails, copying, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, email, photographic films and prints, and other documents.

"Request for Public Record" refers to any written or verbal request.

III. Questions of Interpretation

In case of any questions as to the accessibility of the records of the District under these guidelines, records should not be made accessible to the public until such question has

been determined by the Chief Executive Officer of the Hospital. The decision of such officer is final unless overruled by the Board of Directors.

The District shall justify the withholding of any record by demonstrating that the record requested and withheld is exempt under paragraph IX of these guidelines or, that on the facts of the particular case, the public interest served by not making the record public outweighs the public interest served by the disclosure of such record.

In the case of any denial of an Application for Inspection or Copying of Records, the District shall notify the applicant of the decision to deny the application for records and shall set forth the names and positions of each person responsible for the denial of the request.

IV. Following Procedures for Inspection and Copying

The procedures referred to shall be followed in all of their specifics at all times. Records of inspections shall be accurately maintained.

V. Responding to Request for Public Records

Upon a determination as to whether the requested records are public records, a letter or email shall be sent to the individual requesting the public records within 10 days of the receipt of the request or 14 days if it is difficult to determine if the records exist. The letter or email shall include the following information:

- The date the request for public records was made.
- The date that the records will be made available, or in the case the requested records will not be made available for inspection or copying, the reasons therefore.
- If the copies of the records are requested, the response to the request shall include an invoice stating the total fee for such copies, and informing the individual that the copies will be made available once the fee has been deposited with the Administration of the Hospital. If the estimated cost for copying the records requested is less than \$5.00 the invoice can be omitted.

VI Recording Requests for Public Records

A hard copy file or electronic file shall be kept in the Administration offices containing all information relating to request for public records received by the District.

The first page and or record of each request file shall be a log of all actions relating to the request for public records. The log for each request shall include:

- The name of the individual
- The date the request was received
- The date a response to the request was sent
- The action taken in response to the request

Upon receipt of a request for public records, the request shall be date stamped and filed in the Public Records Act Request file.

When a response to a request for public records is sent, a copy of the response and all attachments shall be copied^s and filed in the request file. Each response shall be stamped with the date it was sent.

VII Records Subject to Inspection Only with Authorization

All public records of the District are subject to inspection pursuant to these guidelines except as follows:

- Records set forth hereinafter as records subject to inspection only with authorization;
- Records NOT SUBJECT TO INSPECTION (unless by Court order); or
- Records which may be withheld by exercise of discretion.

If the District discloses a public record which is otherwise exempt from disclosure under the California Public Records Act, the disclosure shall constitute a waiver of the exemption otherwise applicable to such record.

VIII Records Subject to Inspection Only with Authorization

Any records relating to patients of the Hospital (including but not limited to the patient's records of admission and discharge, medical treatment, diagnosis and other care and services) shall only be made available for inspection and/or copying under the following conditions:

- Upon presentation of a written authorization therefore signed by an adult patient, by the guardian or conservator of his/her person or estate, or, in the case of a minor, by a parent or guardian of such minor, or by the personal representative or an heir of a deceased patient, and then only upon the presentation of the same by such person above named or an attorney at law representing such person.
- Where records relating to a minor patient are sought by a representative, and the minor is authorized by law to consent to medical treatment, or the District determines that access to the information would have a detrimental effect on the patient-provider relationship or the minor's physical or psychological well-being, the District shall not permit inspection of such records, absent a court order.
- Except when requested by a licensed physician, surgeon, or psychologist designated by request of the patient, if the District determines that access to records by the patient poses a substantial risk of significant adverse or detrimental consequences to the patient, the District may decline to permit inspection of mental health records sought by a patient or representative. The District must place a written record of the reason for refusal within the mental health records requested, including a description of the specific adverse or detrimental consequences, and a statement that refusal was made pursuant to Health and Safety Code Section 1975(b)(2).
- Upon presentation of a written order therefore issued by a Court of the State of California or the United States of America (see reference to Subpoena Duces Tecum hereinafter), which specifically commands the District disclose specified records.

- Upon subpoena, when permitted under Section XII below:

IX. Records Not Subject to Inspection (Unless by Court Order)

The following records of the District are not subject to inspection by any person without a written order issued by a Court of the State of California or of the United States of America (see reference to Subpoena Duces Tecum hereinafter):

- Records of the proceedings or other records of an organized committee of medical or medical-dental staffs in the Hospital having the responsibility of evaluation and improvement of the quality of care rendered in the Hospital.
- Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 commencing with Section 810 of Title 1 of the Government Code of California, until such litigation or claim has been finally adjudicated or otherwise settled.
- Personnel, medical or similar files of non-patients, the disclosure of which would constitute an unwarranted invasion of personal privacy of the individual or individuals concerned.
- Records of complaints to or investigation conducted by, or investigatory or security files compiled by, the District for correctional, law enforcement or licensing purposes.
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or academic examination.
- The contents of real estate appraisals, engineering or feasibility estimate and evaluation made for or by the District relative to the acquisition of property, or to prospective public supply and construction contract, until such time as all the property has been acquired or all of the contract agreement obtained.
- Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code of California relating to privilege. (Privileges conditionally provide for all communications between lawyer and client, physician and patient, and psychotherapist and patient).
- Records relating to any contract, or amendment thereof, for inpatient services governed by Articles 2.6, 2.8 and 2.91 of Chapter 7 of Division 9 of the Welfare and Institutions Code, pertaining to Medi-Cal provider contracting.
- Records relating to any contract with insurers or nonprofit hospital services plans for inpatient or outpatient services for alternative rates pursuant to Sections 10133 or 11512 of the Insurance Code. However, the record shall be open to inspection within one year after the contract is fully executed.
- Confidential documents relating to trade secrets of the District. Trade secrets are of unique value to the District, are important to the functioning of present or future District plans and are considered to be confidential documents.
- Records in the custody of or maintained by legal counsel to the District.

- A final accreditation report of the Joint Commission or other accrediting agency which has been transmitted to the State Department of Health Services pursuant to Subdivision (b) of Section 1282 of the Health and Safety Code.
- Computer software developed by the District is entitled to copyright protection and need not be disclosed as a public record.
- Any other records of the District that are not required to be disclosed pursuant to the California Public Records Act or other applicable statute as such statutes may be amended from time to time.

X. Records Submitted to Agencies Which are Exempted From Disclosure by the Health Care District

In addition to the limitations upon disclosure of public records otherwise set forth in these guidelines, the District is not required to disclose public records, or permit the inspection of public records pertaining to financial or utilization data other than such financial and utilization data as is filed with the California Health Facilities Commission and/or the Office of Statewide Health Planning and Development. It is sufficient compliance with the law to permit inspection of financial and utilization information reported to the Office of Statewide Health Planning and Development pursuant to Division 1, Part 1.8 of the California Health and Safety Code. In case of doubt, the District will consult with the District legal counsel before acting.

XI. Discretionary Withholding of Records

In addition to the limitation upon disclosure of records set forth in these guidelines, the District may, in its discretion, withhold inspection of any record or writing when the District determines, after reviewing the facts of the particular case, that the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. Such discretion shall be exercised by the District by and through the Chief Executive Officer whose decision shall be final unless overruled by the Board of Directors.

XII. Compliance with Subpoena Duces Tecum

While a Subpoena Duces Tecum (a notice to appear and to bring records, or to produce records without appearance) is issued by a court, it is not an order of the court declaring that the particular records are subject to disclosure. Such records may still be subject to protection against disclosure by reason of the existence of a privilege or other legal reason. Therefore, receipt of such a subpoena does not permit disclosure of records in and of itself and the following rules shall be followed:

- Subpoena in Action where District is a party:
Immediately consult with legal counsel representing the District as to the proper response.
- Subpoena in other actions:

If the records sought to be discovered (which are ordered to be produced) fall within one of the categories in Paragraphs VII, VIII or IX above, consult with the District's counsel prior to responding to the subpoena.

- If only a portion of the records may be disclosed or inspected:
If only a portion of any requested records may be disclosed or inspected, the disclosable portions shall be segregated from the non-disclosable portions, and the segregated non-disclosable portions shall be withheld unless, and until, a court orders their productions.