

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.3	Patients' Rights in Regard to Privacy of Protected Health Information	Revised:	February 2006
Policy 11.3.2	Patient Right to Amend Patient Health Information	Responsibility:	Assistant Vice President for Regulatory Affairs & Compliance

PATIENT RIGHT TO AMEND PATIENT HEALTH INFORMATION

Policy

Patients have a right to request amendment of information collected and maintained about them in their designated record set if they believe information is incomplete or inaccurate.

Definitions

DESIGNATED RECORD SET: The designated record set is created to respond to patients' requests concerning the information used in making decisions about them. The designated record set is comprised of subsets of health information and may be maintained in various locations or files. The designated record set includes medical/dental and billing records maintained for or by the Health Science Center, and any health information used, in whole or part, by the Health Science Center to make decisions about the patient. Also, it includes any photographs, videotapes, or other images that identify the patient. Includes records from other providers.

Processing the Request

All personnel must strictly observe the following:

1. An individual has the right to request the Health Science Center amend patient health information or a record about the individual in the designated record set for as long as the patient health information is maintained in the designated record set. See [Section 11.1.5](#) of the *Handbook of Operating Procedures* (HOP), "Patient Health Records" for additional information about the designated record set.
2. The Health Science Center may deny an individual's request for amendment if it is determined that the patient health information or record that is the subject of the request:
 - a. Was not created by the Health Science Center, unless the individual provides a reasonable basis to believe that the originator of the patient health information is no longer available to act on the requested amendment;

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- b. Is not part of the designated record set;
 - c. Would not be available for inspection under [Section 11.3.6](#) of the HOP, "Access of Individual to Protected Health Information"; or,
 - d. Is accurate and complete.
- 3. The individual must make the request to amend the patient health information in writing with a reason to support a requested amendment. The request should be requested on [Request for Amendment of Health Information](#) form.
 - 4. The Health Science Center must accept all requests to amend patient health information in the designated record set; however, the Health Science Center is not required to act on the individual's request if it is in accordance with item number 2 above.
 - 5. The Health Science Center must act on the individual's request for an amendment no later than 60 days after receipt of such a request. If the Health Science Center is unable to act on the amendment within the required 60 day time limit, the Health Science Center may extend the time for such action by no more than 30 days, provided that:
 - a. The Health Science Center provides the individual with a written statement of the reasons for the delay and the date by which action on the request will be completed; and,
 - b. The Health Science Center may have only one such extension of time for action on a request for an amendment.

Granting a Request

If the request for amendment is granted, in whole or in part,

- 1. The Health Science Center must make the appropriate amendment to the patient health information or record that is the subject of the request for amendment by, at a minimum,

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identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link, particularly in regard to electronic health records, to the location of the amendment.

2. The Health Science Center must inform the individual in a timely manner that the amendment is accepted and obtain the individual's identification of and agreement to have the Health Science Center notify the relevant persons with which the amendment needs to be shared.
3. The Health Science Center must make reasonable efforts to inform and provide the amendment within a reasonable time to:
 - a. Persons identified by the individual as having received patient health information about the individual as needing the amendment; and,
 - b. Persons, including business associates, that the Health Science Center knows have the patient health information that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the individual.
4. When the Health Science Center accepts an amendment, it does not remove, obliterate, or alter existing patient health information in the patient record.
5. The completed amendment form should generally be filed with the patient's health record, except in regard to electronic health records.

Denying a Request

1. If the requested amendment is denied, in whole or in part, the Health Science Center must provide the individual with a timely, written denial using the [Amendment Denial Letter](#). The denial must use plain language and contain:

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- a. The basis for the denial, in accordance with procedure item two under "Processing the Request".
 - b. The individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement;
 - c. A statement that, if the individual does not submit a statement of disagreement, the individual may request that the Health Science Center provide the individual's request for amendment and the denial with any future disclosures of the patient health information that is the subject of the amendment; and,
 - d. A description of how the individual may complain to the Health Science Center or the Secretary of Department of Health and Human Services in accordance with the Health Science Center's privacy complaint process.
2. Additionally for denials:
- a. The Health Science Center must permit the individual to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. The length of the statement of disagreement may be reasonably limited.
 - b. The Health Science Center may prepare a written rebuttal to the individual's statement of disagreement. Whenever such a rebuttal is prepared, a copy must be provided to the individual who submitted the statement of disagreement.
 - c. The Health Science Center must, as appropriate, identify the record or patient health information in the designated record set that is the subject of the disputed amendment and append or otherwise link the individual's request for an amendment, the denial of the request, the individual's statement of disagreement, if any, and the rebuttal, if any, to the designated record set.

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The completed amendment form should generally be filed with the patient's health record.

Future Disclosures

If the individual has submitted a statement of disagreement, the Health Science Center must include all material related to the amendment or an accurate summary of any such information, with any subsequent disclosure of the patient health information to which the disagreement relates.

If the individual has not submitted a written statement of disagreement, the Health Science Center must include the individual's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the patient health information only if the individual has requested such action.

When the Health Science Center makes a subsequent disclosure using a standard transaction that does not permit the additional material to be included with the disclosure, the Health Science Center may separately transmit the material required to the recipient of the standard transaction.

Note of Amendment from Other Entities

If the Health Science Center is informed by another provider or payer of an amendment they have made to an individual's patient health information within the outside entities' designated record set, the Health Science Center must amend the patient health information in designated record sets that have been received from those outside entities. However, the Health Science Center does not have to amend the patient health information in the Health Science Center's designated record set based upon an outside determination, unless the Health Science Center has relied on the outside entities' findings. The Associate/Assistant Deans for Clinical Affairs will be responsible for processing amendment requests.
