

# Patient Access and Amendment to Health Records.

## Appendix A: Sample Amendment Policy and Procedure (2011 update)

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### Policy

A patient has the right to request an amendment to his or her health record. The policy of this organization is to respond to an amendment request in accordance with the HIPAA Privacy Rule. The Health Information Management (HIM) Department will be responsible for assisting patients and accepting patient requests for amendments. The organization's Privacy Officer will be responsible for processing all individual requests for amendments within the designated record set.

General information regarding requests for amendment, forms relating to amendment,s and correspondence relating to denial or acceptance of requests to amend will be filed in the patient's designated record set and appended to the information in question.

### Procedure

1. The patient will be directed to the HIM department to complete the Request for Amendment form according to HIPAA Privacy Rule.
2. The HIM department representative will forward the request to the Privacy Officer for review and processing.
3. The Privacy Officer will contact the author to review and evaluate the amendment request no later than 60 days after receipt of the request.
  - a. If the amendment is accepted by the author, the PHI will be amended (according to HIPAA guidelines) and the patient will be informed within 60 days of the written request.
  - b. If the amendment is denied by the author, the patient will be notified (according to HIPAA guidelines) in writing within 60 days of the written request.
4. If the organization is unable to act on the request for amendment within 60 days of receipt of the request, there will be a one-time 30 day extension and the patient will be notified in writing.

### Acceptance of Request for Amendment

If the organization accepts the requested amendment, in whole or in part, the organization will take the following steps:

1. The HIM department representative will place a copy of the amendment in the patient's designated record set and link to the original documentation or a reference location of the amendment will be provided within the body of the medical record.
2. The HIM department representative will ensure that the amended documents are placed appropriately in the patient's designated record set, working with Information Services for those documents created, maintained, or stored electronically.
3. The HIM department representative will notify the relevant persons with whom the amendment needs to be shared, as identified by the patient on the original Amendment Request Form.
  - a. If the individual is unsure as to whom should receive the amended information, the HIM department should work with the individual to ensure that all parties are appropriately identified.

4. The Privacy Officer will identify other persons, including Business Associates, that are known to have PHI and that may have relied on, or could possibly rely on, such information to the detriment of the patient.
5. If no additional persons needing notification of the amendment are identified, the Privacy Officer will inform the patient in writing (according to HIPAA guidelines) that the amendment has been accepted.

### Denial of Request for Amendment

If the organization determines that the request for amendment should be denied in whole or in part, the Privacy Officer will provide the patient with a timely (according to HIPAA guidelines) amendment denial letter. The denial will be written in plain language and shall contain the following:

1. The basis for denial
2. A statement that, if the patient does not submit a statement of disagreement, the patient may request that the organization include the patient's request for amendment and the denial with any future disclosures of the PHI that is the subject of the amendment
3. A statement that the patient has a right to submit a written statement disagreeing with the denial and an explanation of how the patient may file such a statement
4. A description of how the patient may file a complaint with the organization or to the Secretary of the U.S. Department of Health and Human Services. The description must include the name or title and telephone number of the contact person for the complaint.
5. If the patient submits a written statement of disagreement, the organization may prepare a written rebuttal to the statement. The organization will provide a copy of the written rebuttal to the patient who submitted the statement

The following documentation must be appended (or otherwise linked) to the PHI that is the subject of the disputed amendment:

- The patient's Request for Amendment Form
- The organization's amendment denial letter
- The patient's statement of disagreement, if any
- The organization's written rebuttal, if any

### Future Disclosures of PHI that is the Subject of the Disputed Amendment

If the patient submitted a statement of disagreement, the organization will disclose all information listed above or an accurate summary of such information with all future disclosures of PHI to which the disagreement relates.

If the patient did not submit a statement of disagreement, and if the patient has requested that the organization provide the Request for Amendment Form and the amendment denial letter with any future disclosures, the organization shall include these documents (or an accurate summary of the information) with all future disclosures of the PHI related to the disagreement.

### Actions on Notices of Amendment

If another covered entity notifies this organization of an amendment to PHI it maintains, the amendment will be made to this organization's patient medical record.

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