

## Amendment of Protected Health Information

### 1. SCOPE

- 1.1. System-wide
- 1.2. Facilities and departments included in the scope are further defined in the [Scope Definitions Resource Guide](#) if not specifically outlined above.

### 2. DEFINITIONS & EXPLANATIONS OF TERMS

#### 2.1. Abbreviations

- HIM: Health Information Management
- HIPAA: Health Insurance Portability and Accountability Act
- MCHS: Marshfield Clinic Health System
- PHI: Protected Health Information

#### 2.2. Definitions

- Patient: All references to the "patient" in this policy mean the patient or her/his Personal Representative as defined in the [Personal Representatives of Patients](#) policy.
- Protected Health Information (PHI): The Privacy Rule protects all "individually identifiable health information" held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule calls this information Protected Health Information.

◇ Individually identifiable health information: information, including demographic data, that relates to:

- the individual's past, present, or future physical or mental health or condition; **or**
- the provision of health care to the individual; **or**
- the past, present, or future payment for the provision of health care to the individual; **and**
- that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual (e.g., name, address, birth date, Social Security Number).

### 3. POLICY BODY

**Purpose Statement:** It is the policy of Marshfield Clinic Health System to recognize the right of a patient to request that MCHS amend PHI or record(s) maintained in the MCHS Designated Record Set. It is also the policy of MCHS to direct all requests for an amendment to Health Information Management (HIM) Department staff.

The purpose of this policy is to establish guidelines and a process for the appropriate management of patient requests to amend their Protected Health Information or record that is maintained by MCHS in its Designated Record Set(s).

The HIPAA Privacy Rule states that Individuals have a right to request that a Covered Entity amend PHI or record(s) about the Individual so long as the PHI or record is maintained in the Designated Record Set. A Covered Entity may deny an Individual's request for amendment of PHI under certain circumstances.

#### 3.1. Request for Amendment

- a. A patient must make a request for an amendment in writing. All requests for an amendment must be directed to HIM staff. HIM staff will ask the patient to submit the request on an Amendment/Correction of Health Information form and provide a reason to support the requested amendment. If a patient makes an oral request for amendment, HIM staff will inform the patient that such request must be made in writing. MCHS may refuse an oral request for amendment on the basis that such request is oral and not written.

#### 3.2. Action on the Request for Amendment

- a. Timing of Response. MCHS will act on a patient's request no later than sixty days after its receipt of the request.
- b. Extension of Time Frame. MCHS may extend the time for action by no more than thirty days provided that it provides the patient with a written statement [within the sixty day period described above] of the reasons for the delay and the date by which MCHS will complete its action on the request. MCHS may have only one such thirty day extension.
- c. Determination Procedure. MCHS may accept or deny the requested amendment. Determinations of whether to accept or deny the request for the amendment will be made by MCHS following a review of the relevant record and Designated Record Set, consultation with the treating physician, evaluation of the patient's request, and to the extent appropriate, other health professionals familiar with the patient's course of treatment.
- d. Procedures if Amendment Accepted. If MCHS accepts the amendment:
  - ☐ MCHS will make the appropriate amendment to the PHI or record that is the subject of the request for amendment by, at a minimum, identifying the records in the Designated Record Set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.
  - ☐ MCHS will timely inform the patient in writing that the amendment has been accepted and obtain the patient's identification of an agreement to have

MCHS notify the relevant persons with which the amendment needs to be shared.

- ☐ MCHS will make reasonable efforts to inform and provide the amendment within a reasonable time to:
  - Persons identified by the patient as having received PHI about the patient and requiring the amendment; and
  - Persons, including Business Associates of MCHS, that MCHS knows have the PHI that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the patient.
- e. Procedures if Amendment is Denied. If MCHS denies the amendment in whole or in part:
  - ☐ Notice of Denial. MCHS will provide the patient who requested the amendment with a written denial within sixty days after receipt of the request for amendment. The denial will use plain language and contain:
    - The basis for the denial, i.e., the PHI or record that is the subject of the request (a) was not created by MCHS, unless the patient provided a reasonable basis to believe that the originator of PHI is no longer available to act on the requested amendment; (b) is not part of the Designated Record Set; (c) would not be available for access or inspection by the patient under the Privacy Rule; or (d) is accurate and complete.
    - A statement of the patient's right to submit a written statement disagreeing with the denial and how the patient may file such a statement;
    - A statement that, if the patient does not submit a statement of disagreement, the patient may request that MCHS provide the patient's request for amendment and the denial with any future disclosures of the PHI that is the subject of the amendment; and
    - A description of how the patient may complain to MCHS, or to the Secretary, Office for Civil Rights of the U.S. Department of Health and Human Services. The description must include the name or title and telephone number of the Privacy Officer or her/his designee.
  - ☐ Written Statement of Disagreement. MCHS will permit the patient to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. MCHS may reasonably limit the length of a statement of disagreement.
  - ☐ Written Rebuttal to Statement. MCHS will prepare a written rebuttal to the patient's statement of disagreement. Whenever such a rebuttal is prepared, MCHS will provide a copy to the patient who submitted the statement of disagreement.
  - ☐ Identification of Disputed Record or Information. MCHS will, as appropriate, identify the record or PHI in the Designated Record Set that is the subject of

the disputed amendment and append or otherwise link the patient's request for an amendment, the denial of the request, the patient's statement of disagreement, if any, and the rebuttal, if any, to the Designated Record Set.

□ Future Disclosures of PHI

- If a statement of disagreement has been submitted by the patient, MCHS will include the material appended or, as deemed appropriate and necessary by MCHS, an accurate summary of any such information, with any subsequent disclosure of the PHI to which the disagreement relates.
  - If the patient has not submitted a written statement of disagreement, MCHS must include the patient's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI only if the patient has requested such action as provided above.
  - Notice from Another Covered Entity. If MCHS is informed by another Covered Entity of an amendment to a patient's PHI, MCHS will amend the PHI in the Designated Record Set as provided above.
- f. Documentation. MCHS will retain Amendment Request Forms and any other written correspondence to or from a patient regarding the request to amend PHI in accordance with this policy for the longer of: six years from the date of its creation or the last effective date of the relevant documents. All such documentation will be maintained by HIM and in the patient's medical record.

### 3.3 Responsible Personnel

- a. Receiving Requests. HIM staff is responsible for receiving requests for an amendment on behalf of MCHS in accordance with this policy.
- b. Processing Requests. HIM staff is responsible for processing, responding to, and documenting requests for an amendment on behalf of MCHS in accordance with this policy.

#### 4. ADDITIONAL RESOURCES

##### 4.1. References:

- HIPAA Regulations 45 CFR 164.526
- [Designated Record Set](#)

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POLICY

**5. DOCUMENT HISTORY**

Version No.	Revision Description
1.0	Policy #4432 converted to new Document Control System
2.0	Annual review. Updated Scope and MC to MCHS.
3.0	Updated Scope and logo. Updated author, setting, header with last reviewed, scope statement and formatting. Removed logo and added abbreviations
4.0	Annual review. Corrected typo in definitions for HIPAA.
5.0	Annual review. Added Designated Record Set to references. Minor formatting.
6.0	Annual review (11/2021) with no changes.
7-9	See version history
10.0	DCS checklist, AO to republish

## 6. DOCUMENT PROPERTIES

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