

<b>University Health Service (UHS)</b>  University of Rochester	<b>Policies &amp; Procedures</b>	<b>Last Reviewed: 3/22/22</b>
	<b>HIPAA Privacy</b>	<b>Policy Date: 3/22/22</b>
	<b>Request to Amend Protected Health Information</b>	

Policy

An individual has the right to request an amendment of protected health information (PHI) for as long as the PHI is maintained by University Health Service (UHS). Individuals will be required to make requests in writing to the (UHS) maintaining the original record. An individual must provide a reason to support any requested amendment(s).

An individual's request for amendment may be denied, if the PHI:

- i. Was not created by the entity, unless the individual provides a reasonable basis to believe that the originator of the PHI is no longer available to act on the requested amendment; or
- ii. Is not part of the designated record set; or
- iii. Would not be available for inspection (See HIPAA Policy OP10 Right to Access and Obtain Copies of Protected Health Information); or
- iv. Is accurate and complete.

Unless the requested change is such that it is able to be verified at the time the amendment request is made, the original medical record documentation will not be altered. However, the individual's request for amendment may be added to the medical record.

Definition

- 1. Designated record set is defined as:
  - a. A group of records maintained by or for UHS are:
    - I. The medical records and billing records about individuals created by or for UHS; or
    - II. Used, in whole or in part, by or for a UHS to make decisions about individuals.
  - b. For purposes of this definition, the term record means any item, collection, or grouping of information that includes protected health information (PHI) and is maintained, collected, used, or disseminated by or for UHS and Affiliates.
- 2. Individual as defined by HIPAA is: the person who is the subject of protected health information (PHI). A qualified personal representative may act on behalf of the individual (see HIPAA Policy OP16 Personal Representative).

Description

A. Time Frame:

- 1. UHS must act on an individual's request for an amendment to PHI no later than 60 days after receipt of the request. If the entity is unable to act on the amendment within those 60 days, the entity may extend the time by no more than 30 days, provided that:
  - a. The entity, within the initial 60 days, provides the individual with a written statement of the reasons for the delay and the date by which the covered entity will complete its action on the request; and
  - b. The entity may have only one 30-day extension of time for action on a request for an amendment.

B. Implementation Specifications for Acceptance of an Amendment:

- 1. If UHS accepts a requested amendment, in whole or in part, the entity must comply with the following requirements:
  - a. Make the appropriate amendment to the PHI by identifying the records that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.
  - b. Inform the individual in writing that the amendment is accepted and obtain from the individual the identification of an agreement to have the entity notify the relevant persons with which the amendment needs to be shared.
  - c. Make reasonable efforts to inform and provide the amendment within a reasonable time to:

- i. Persons identified by the individual as having received PHI about the individual and needing the amendment; and
- ii. Persons, including business associates, that the entity 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 individual.

C. Implementation Specifications for Denial of an Amendment:

1. If UHS denies the requested amendment, in whole or in part, the entity must provide the individual with a timely written denial. The denial must use plain language and contain:
  - a. The basis for the denial;
  - b. The individual's right to submit a written statement of disagreement of 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 entity provide the individual's request for amendment and the denial with any future disclosures of the PHI that is the subject of the amendment; and
  - d. A description of how the individual may complain to:
    - i. the entity's Patient Advocate including the name, title, and telephone number, and/or
    - ii. to the Secretary of the Department of Health and Human Services. (Contact the entity's Privacy Officer for the contact information that must be included.)
2. Individuals have the right to submit a written statement of disagreement of the denial of all or part of a requested amendment, and the basis of such disagreement. The entity may reasonably limit the length of a statement of disagreement.
3. If the individual submits a statement of disagreement, UHS may prepare a written rebuttal. Whenever such a rebuttal is prepared, a copy must be provided to the individual who submitted the statement of disagreement.
4. If the individual requests that their amendment be added to the record for future disclosures, or if the individual submits a statement of disagreement, the entity must:
  - a. identify the PHI that is the subject of the disputed amendment, and
  - b. append or link the individual's request for an amendment, along with UHS' denial of the request, the individual's statement of disagreement, if any, and UHS' written rebuttal, if any, to the appropriate records containing the PHI.
5. When addressing future disclosures of the PHI that is the subject of a disputed amendment:
  - a. If the individual has requested that their amendment be added to the record for future disclosures, the entity must include the individual's request for amendment and its denial with any subsequent disclosure of the PHI.
  - b. If a statement of disagreement has been submitted by the individual, the entity must include the individual's original request for amendment, UHS' denial of the request, the individual's statement of disagreement, if any, and UHS and Affiliates' written rebuttal, if any, to the appropriate records containing the PHI.
  - c. When a subsequent disclosure is made using a standard transaction that does not permit the additional material to be included with the disclosure, the entity may separately transmit the material required to the recipient of the standard transaction.

D. Actions on notices of amendment

If a UHS is notified by another non-UHS covered entity of an amendment to an individual's PHI, UHS must amend the copy of the other entities' PHI.

E. Retention of documentation of amendment requests

All documentation regarding requests for amendments must be retained in the individual's medical record for 6 years from the date of its creation or the date when it last was in effect, whichever is later.