

# LAC+USC MEDICAL CENTER POLICY

Subject: <b>PROTECTED HEALTH INFORMATION: AMENDMENT OR CORRECTION OF</b>	Original Issue Date: 4/14/03	Policy # <b>400.1</b>
	Supersedes: 1/10/17	Effective Date: 11/21/22
Departments Consulted: Privacy Committee Health Information Management	Reviewed & Approved by: Health Information Committee Attending Staff Association Executive Committee Senior Executive Council	Approved by: (Signature on File) Chief Medical Officer  (Signature on File) Chief Executive Officer

**PURPOSE**

To establish a policy pursuant to the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996, 45 Code Federal Regulations, Parts 160 and 164 (HIPAA) to ensure that an individual has the right to request the LAC+USC Medical Center to correct or amend protected health information (PHI).

**POLICY**

The LAC+USC Medical Center will act upon an individual's request for correction or amendment to his or her protected health information (PHI) for as long as the PHI is maintained by the Medical Center in a designated record set.

The Medical Center may accept or deny the requested amendment and must observe specific practices pertaining to its response, record keeping, future disclosures, and documentation in accordance with the HIPAA Privacy Rule and as set forth in this policy.

**DEFINITIONS**

**Protected Health Information (PHI)**

Individually identifiable information relating to past, present, or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual.

**Designated Record Set**

A group of records that contain PHI and are maintained, collected, used or disclosed by or for the Medical Center, and that are either medical records or billing records about an individual; or used, in whole or in part, by or for the Medical Center to make decisions about an individual. The composition of the designated record set is defined in DHS Policy No. 361.14, "Designated Record Set."

**Business Associate (BA)**

A person or entity who, on behalf of the Medical Center, but not in the capacity of a workforce member, performs or assists in the performance of a function or activity involving the use or disclosure of PHI, or provides legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services involving disclosure of PHI.

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## PROCEDURE

### Request for Amendment

1. An individual has the right to request amendment of his or her PHI in the designated record set for as long as the PHI is maintained in the designated record set.
2. An individual who wishes to request an amendment of his or her PHI must make their request in writing and may use the ***Request to Amend (Change) or Correct Protected Health Information*** form (Attachment A). The request must include the reason for the amendment. The completed request will be forwarded to the Health Information Management Department (HIM) for processing.

### Response to Amendment Request

1. HIM shall act upon requests within sixty (60) days of receipt.
2. If the Amendment request includes protected health information that is clinical in nature, the practitioner responsible for the documentation will be contacted to review the request and make the determination to accept or deny the individual's request.
3. If HIM is unable to provide an answer to the individual's request within the initial sixty (60) day period, it may extend the period for up to 30 days, as long as HIM, sends the individual a written statement within the initial 60 days about the reasons for the delay, and the date by which HIM will provide an answer to the amendment request. Only one extension can be taken by the Medical Center's HIM.

### Accepting the Amendment

In the event that HIM determines that it accepts the requested amendment, in whole or in part, it must:

1. **Make the appropriate amendment to the affected PHI or record.** If a request for amendment is granted, HIM must identify the specific records or PHI in the designated record set affected and append or provide a written or electronic linkage to the location of the new amended document.
2. **Inform the individual.** Within the sixty (60) day timeframe, HIM must inform the individual in writing using the ***Letter Responding to Request to Amend (Change) or Correct Protected Health Information*** form (Attachment B) that the Medical Center accepts the requested amendment. Additionally, HIM must request from the individual the name of all entities and persons with whom the amendment must be shared and must obtain the individual's agreement that the Medical Center will notify those entities and persons of the amendment.

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3. **Inform others.** HIM must make reasonable efforts to inform other persons and entities and provide the amendment to persons and entities identified by the individual, as stated in his/her ***Request to Amend (Change) or Correct Protected Health Information*** form, to third party payors or insurers, and to any persons, including business associates, known by the Medical Center to have the PHI that is subject to the amendment. The purpose of notifying such other entities and persons is to reduce the chances they might rely on previously incorrect information to the detriment of the individual. HIM will use the ***Notification Letter of Amendment to Protected Health Information*** (Attachment C) to inform others of the accepted amendment.

### Denying the Amendment

If HIM denies the amendment, in whole or in part, it must provide the individual with a timely denial, written in plain language using the ***Letter Responding to Request to Amend (Change) or Correct Protected Health Information*** form and including the basis for denial.

1. **Reasons for denial.** A denial may be denied if:

- The PHI that is the subject of the requested amendment was not created by the Medical Center. However, this is not a reason to deny a request for amendment if the individual provides a reasonable basis to support the belief that the originator of the PHI is no longer available to act on the requested amendment (e.g., a defunct medical practice);
- The PHI that is the subject of the requested amendment is not part of the individual's designated record set;
- The PHI that is the subject of the requested amendment is accurate and complete; or
- The PHI that is the subject of the requested amendment would not be available for inspection for the reasons stated in the Medical Center Policy, "Access of Individuals to Protected Health Information/Designated Record Set."

### **2. Individual's Right to Submit a Statement of Disagreement**

- Using the ***Letter Responding to Request to Amend (Change) or Correct Protected Health Information*** form, HIM must advise the individual of his or her right to submit a written statement disagreeing with the denial. The letter will inform the individual of how to file a statement of disagreement using the ***Statement of Disagreement/Request to Include Amendment Request and Denial With Future Disclosures*** form (Attachment D).
- If the individual does not submit a statement of disagreement, the individual may request that HIM provide his or her request for amendment and the related denial with any future disclosures of the PHI that is the subject of the amendment request using a ***Statement of Disagreement/Request to Include Amendment Request and Denial with Future Disclosures*** form.
- HIM may prepare a written rebuttal to an individual's written statement of disagreement.

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- HIM shall provide the individual a copy of any rebuttal to the statement of disagreement.

### 3. Individual's Right to have their Health Record Reflect Requested Amendment and Denial

- HIM's written denial (using the ***Letter Responding to Request to Amend (Change) or Correct Protected Health Information*** form) must contain a statement that, if the individual chooses not to submit a statement of disagreement, he or she may ask that the request for amendment and the denial be made part of his or her health care record and be included in any future disclosures of the disputed records.

### 4. Individual's Right to Complain

- HIM's written denial (using the ***Letter Responding to Request to Amend (Change) or Correct Protected Health Information*** form) must also advise the individual of how a complaint may be filed with both the Los Angeles County Department of Health Services and the Secretary of the United States Department of Health & Human Services.

### 5. Appending the Information

- HIM identifies, as appropriate, the PHI in the designated record set that is the subject of the disputed amendment and appends or otherwise links the following to the designated record set:
  - The individual's request for an amendment;
  - HIM's written denial of the requested amendment;
  - The individual's statement of disagreement, if any; and
  - The LAC+USC Medical Center's rebuttal statement, if any.

### 6. Future Disclosures

When a request for amendment has been denied, future disclosures of the PHI that are the subject of the disputed amendment must refer to the requested amendment and the denial as follows:

- If a statement of disagreement was submitted by an individual, HIM shall include in the disclosure:
  - The individual's request for an amendment, HIM's written denial of the request, the individual's statement of disagreement, and any Medical Center's rebuttal statement; or
  - A summary of this information.
- If an individual did not submit a written statement of disagreement, HIM shall include in the disclosure:
  - The individual's request for amendment and the Medical Center's denial, or
  - A summary of the request and denial;
  - This applies only if the individual has so requested by submitting a ***Statement of Disagreement/Request to Include Amendment Request and Denial with Future Disclosures*** form.

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- When a subsequent disclosure is made, and the method of information transmission does not allow the inclusion of some additional information due to size, type, or data content, HIM may deliver the information separately.

### **Actions on Notices of Amendment from Other Covered Entities**

If a health care provider, plan, or clearinghouse notifies the Medical Center of an amendment to an individual's PHI that the Medical Center has received from the other covered entity, HIM must make the corresponding amendment to the individual's PHI in accordance with this policy.

### **Documentation Requirements for an Amendment**

HIM shall identify a process for receiving and processing requests for health record amendments. Each process must include at least two elements:

- Documentation of the titles of the persons or officers responsible for receiving and processing requests for amendments; and
- Retention of the contact and amendment documentation in written or electronic form for at least six (6) years from the date the documents were created.

### **REFERENCES**

45 Code of Federal Regulations Parts 160 and 164; Section 164.526  
DHS Policy No. 361.14, "Designated Record Set"  
DHS Policy No. 361.15, "Access of Individuals to Protected Health Information (PHI)/Designated Record Set"  
DHS Policy No. 361.18, "Amendment of Protected Health Information (PHI): Designated Record Set"  
Medical Center Policy # 402.1, "Access of Individuals to Protected Health Information PHI/Designated Record Set"

### **ATTACHMENTS**

Attachment A: *Request to Amend (Change) or Correct Protected Health Information*  
Attachment B: *Letter Responding to Request to Amend (Change) or Correct Protected Health Information*  
Attachment C: *Notification Letter of Amendment to Protected Health Information*  
Attachment D: *Statement of Disagreement/Request to Include Amendment Request and Denial With Future Disclosures*

### **REVISION DATES**

March 01, 2007; September 25, 2008; August 13, 2013; January 10, 2017, November 21, 2022