



Los Angeles County Department of Health Services

Policy & Procedure Title:		Amendment of Protected Health Information (PHI): Designated Record Set	
Category:	300-399 Operation Policy	Policy No.:	361.18
Effective Date:	4/14/2003	Update (U)/Revision (R):	09/01/2019 (U)
DHS Division/Unit of Origin:	Patient Safety, Risk Management, Privacy, and Compliance		
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Distribution: DHS-wide	<input checked="" type="checkbox"/>	If not DHS-wide, other distribution:	

PURPOSE:

The purpose of this policy is to recognize an individual’s right to request the Department of Health Services (DHS) to correct or amend their Protected Health Information pursuant to the HIPAA Privacy Rule.

POLICY:

DHS will act upon an individual’s request for correction or amendment to his/her Protected Health Information (PHI) as long as the PHI was created by DHS in a Designated Record Set.

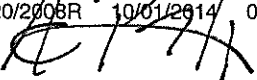
DHS may accept or deny the requested correction or amendment and shall abide by the procedures outlined below in accordance with the HIPAA Privacy Rule.

Each DHS facility/program is responsible for adopting this policy as well as developing procedures to ensure its implementation. Requests for correction or amendment of PHI must be submitted to the facility Health Information Management (HIM) Department.

PROCEDURES:

- I. Request for Correction or Amendment
 - A. Individuals who wish to request an amendment of their 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 specify the information to be

The mission of the Los Angeles County Department of Health Services is to ensure access to high-quality, patient-centered, cost-effective health care to Los Angeles County residents through direct services at DHS facilities and through collaboration with community and university partners.

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corrected or amended and the reason. The request must be submitted to the facility's HIM Department for processing.

In instances in which DHS is a Business Associate of a Covered Entity, DHS shall comply with the timeframes documented in the signed Business Associate Agreement with the Covered Entity.

II. Response to Amendment

- A. The facility's HIM Department shall provide a response to the requestor within sixty (60) calendar days of receipt.
- B. If the HIM Department is unable to provide a decision to the requestor within the initial sixty (60) calendar day period, HIM will notify the requestor in writing that an extension is needed and include the reasons for the delay and the date by which a decision will be provided. Only one extension is permitted and will not exceed thirty (30) calendar days.

III. Accepting the Correction or Amendment

In the event that a DHS facility determines that it accepts the requested correction or amendment, in whole or in part, it must:

- A. Make the appropriate correction or amendment to the affected PHI. If a request for correction or amendment is granted, the facility must identify the specific records or PHI in the Designated Record Set that are affected by the correction or amendment and append or otherwise provide a link to the location of the amendment.
- B. Inform the individual. The facility will inform the requestor in writing that DHS accepts the requested correction or amendment using the "*Response to a Request to Amend (Change) or Correct Protected Health Information*" letter (Attachment B) in accordance with the timeframe stated in Section II. Additionally, the facility will obtain from the requestor, or relevant individuals, information on other entities or persons with whom the amendment must be shared and must obtain the individual's agreement that the facility will notify those persons of the amendment.
- C. Inform others. The facility must make reasonable efforts to inform and provide the amendment within a reasonable time to persons and entities identified by the requestor, as stated in his/her "*Request to Amend (Change) or Correct Protected Health Information*" form, to the persons identified by the individual, to third party payers or insurers, and to any persons, including business associates, known by DHS to have the PHI that is subject to the amendment. The purpose of notifying such other individual or entity is to reduce the chances they might rely on previously incorrect information to the detriment of the individual. The DHS facility will use the "*Notification Letter of Amendment to Protected Health Information*" (Attachment C) to inform others of the accepted amendment.

IV. Denying the Correction or Amendment

If the facility denies the amendment, in whole or in part, it must provide the individual with a timely denial, written in plain language using the *“Response to a Request to Amend (Change) or Correct Protected Health Information”* letter and include the basis for denial.

A. A request may be denied if:

1. The PHI that is the subject of the requested amendment was not created by a DHS facility/program, unless the requestor provides a reasonable basis to believe the originator of the PHI is no longer available to act on the requested amendment (e.g., a defunct medical practice);
2. The PHI that is the subject of the requested amendment is not part of the individual’s Designated Record Set;
3. The PHI that is the subject of the requested amendment is accurate and complete; or
4. The PHI that is the subject of the requested amendment would not be available for inspection for the reasons stated in DHS Policy 361.15, “Access of Individuals to Protected Health Information (PHI)/Designated Record Set.”

B. Individual’s Right to Submit a Statement of Disagreement or have their Health Record Reflect a Requested Amendment and Denial:

1. Using the *“Response to a Request to Amend (Change) or Correct Protected Health Information”* letter, the HIM Department will advise the requestor of his/her right to submit a written statement disagreeing with the denial by using the *“Statement of Disagreement/Request to Include Amendment Request and Denial with Future Disclosures”* form (Attachment D).
2. If the requestor does not submit a statement of disagreement, the individual may request HIM to include his/her request for amendment and the denial with any future disclosures of the PHI subject to the requested amendment using the *“Statement of Disagreement/Request to Include Amendment Request and Denial with Future Disclosures”* form.
3. HIM may prepare a written rebuttal to the requestor’s written statement of disagreement. HIM shall provide the individual a copy of any rebuttal to the statement of disagreement.

C. Individual's Right to Complain

The DHS facility's written denial using the *"Response to Request to Amend (Change) or Correct Protected Health Information"* letter will advise the requestor of how to file a complaint with the DHS facility, the DHS Privacy Office and the U.S. Secretary of Health & Human Services.

D. Appending the Information

The DHS facility identifies 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:

1. The individual's request for an amendment;
2. The DHS facility's written denial of the requested amendment;
3. The individual's statement of disagreement, if any; and
4. The DHS facility's rebuttal statement, if any.

E. Future Disclosures

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

1. If a statement of disagreement has been submitted by an individual, the DHS facility will include the following in the disclosure:
 - a. The individual's request for an amendment, the DHS facility's written denial of the request, the individual's statement of disagreement, and any DHS facility's rebuttal statement; or
 - b. A summary of this information.
2. If an individual has not submitted a written statement of disagreement, the DHS facility will include the following information in the disclosure:
 - a. The individual's request for amendment and the DHS facility's denial, or
 - b. A summary of the request and denial.
(This applies only if the individual indicated such by submitting a *"Statement of Disagreement/Request to Include Amendment Request and Denial with Future Disclosures"* form.)

3. If a subsequent disclosure is made using a standard transaction that does not permit the additional material to be included with the disclosure, DHS may separately transmit this material.

V. Actions on Notices of Amendment from other Covered Entities

If a DHS facility is informed by a health care provider, plan, or clearinghouse of an amendment to an individual's PHI that DHS has received from the other covered entity, DHS must make the corresponding amendment to the individual's PHI.

VI. Documentation Requirements for an Amendment

Each DHS facility identifies its own process for receiving and processing requests for amendment(s) to PHI. Each process must document the titles of the persons or offices responsible for receiving and processing requests for amendment(s) and will be retained for at least six (6) years from the date the documents were created.

ATTACHMENTS/FORMS:

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

REFERENCES/AUTHORITY:

45 Code of Federal Regulations Part 164; Section 164.526

DHS Policy No. 361.15, "Access of Individual to Protected Health Information (PHI)/ Designated Record Set"

