



<p>Pennsylvania Hospital & Surgery Center</p> <p>ADMINISTRATIVE POLICY MANUAL</p>	
<p>SUBJECT: PATIENT'S RIGHT TO REQUEST AN AMENDMENT OF HIS/HER PROTECTED HEALTH INFORMATION</p> <p>POLICY NUMBER: HIP3</p>	

Issued:

Committee Approval:
HIPAA

Administrative Policy
Review Committee:
April 2003
April 2004
April 2005
April 2006
April 2007
April 2008

Attachment(s):
[Amendment Request
Form](#)

[Denial Notice](#)

[Amendment
Approval Notice](#)

Related Policies:
[HIP21 Verification](#)

POLICY

For purposes of this policy, Pennsylvania Hospital includes all off campus licensed facilities, including but not limited to the Surgery Center of Pennsylvania Hospital.

A patient has the right to request an amendment of his/her protected health information (PHI). It is the policy of Pennsylvania Hospital that protected health information (PHI) will be used and disclosed in a manner that respects a patient's right to privacy, and in accordance with HIPAA privacy regulations and applicable laws.

PURPOSE

The purpose of this policy is to outline the procedures for processing requests to amend, and determining whether to grant such requests.

SCOPE

This policy applies to all patient requests to amend PHI and/or to allow patients to file a statement of disagreement.

IMPLEMENTATION

The responsibility for implementation of this policy rests with all members of Pennsylvania Hospital's workforce that receive patient requests for amendments of their records.

DEFINITIONS

Protected health information (PHI) is information that is created or received by UPHS and the School of Medicine; and relates to the past, present, or future physical or mental health or condition of a patient; the provision of health care to a patient; or the past, present, or future payment for the provision of health care to a patient; and that identifies the patient or for which there is a reasonable basis to believe the information can be used to identify the patient. PHI includes information of persons living or deceased. The following components of a patient's information also are considered PHI: a) names; b) street address, city, county, precinct, zip code; c) dates directly related to a patient, including birth date, admission date, discharge date, and date of death; d) telephone numbers, fax numbers, and electronic mail addresses; e) Social Security numbers; f) medical record numbers; g) health plan beneficiary numbers; h) account numbers; i) certificate/license numbers; j) vehicle identifiers and serial numbers, including license plate numbers; k) device identifiers and serial numbers; l) Web Universal Resource Locators (URLs); m) biometric identifiers, including finger and voice prints; n) full face photographic images and any comparable images; and o) any other unique identifying number, characteristic, or code.

Pennsylvania Hospital & Surgery Center ADMINISTRATIVE POLICY MANUAL	
SUBJECT: PATIENT'S RIGHT TO REQUEST AN AMENDMENT OF HIS/HER PROTECTED HEALTH INFORMATION POLICY NUMBER: HIP3	

Designated Record Set is a group of records maintained by or for UPHS and the School of Medicine that is: a) the medical records and billing records about individuals; or b) used, in whole or in part, by or for UPHS and the School of Medicine to make decisions about individuals.

PROCEDURE

1. Right to Make a Request

A patient may request an amendment to his/her PHI. A patient making such a request should be:

- a) Informed of the requirement to make requests for amendment in writing, and to provide a reason to support such a request.
- b) Provided with a copy of the attached Amendment Request Form to fill out and give to the appropriate custodian of records.
- c) If a request is inadvertently misdirected to the incorrect custodian of records, it is that person's responsibility to immediately redirect the request to the appropriate custodian of records.

2. Time frame for responding to a request

The custodian of records must act on a patient's request for amendment no later than 60 days from the date such request was received by Pennsylvania Hospital.

- a) If the request for amendment is denied, a Denial Notice (see attached) must be sent by the custodian of records to the requestor including the reason for denying the request. A copy of the Denial Notice remains with the medical record.
- b) If the request was denied because Pennsylvania Hospital was not the creator of the record, the Denial Notice should indicate to the patient where the amendment request should be sent (the creator of the record), if known.
- c) If the request is accepted, an Amendment Approval Notice (see attached) must be sent by the custodian of records to the patient within 60 days of the receipt of the amendment request by the appropriate custodian of records. A copy of the Amendment Approval notice remains with the medical record.
- d) Extension:
 If a request for amendment cannot be processed within the required 60 days, Pennsylvania Hospital may take one 30-day extension. The patient must be notified of the extension in writing and the attached notice must be sent to the patient before the

Pennsylvania Hospital & Surgery Center ADMINISTRATIVE POLICY MANUAL	
SUBJECT: PATIENT'S RIGHT TO REQUEST AN AMENDMENT OF HIS/HER PROTECTED HEALTH INFORMATION POLICY NUMBER: HIP3	

original 60 days have lapsed. The notice must inform the patient of the reasons for the extension and the intended response date.

3. Initial Review

Initial review will be completed by the custodian of records. A request for amendment does not have to be honored if:

- a) Amendment Request Form is not signed and/or does not state a reason for the amendment request. In these cases, the request does not need to be further processed, except to respond to the patient.
- b) Amendment Request Form is signed by a patient's representative whose authority is not documented. If the amendment request is signed by a patient's representative, the representative must include documentation or information to support his/her authority to act for the patient. If information regarding this authority, in accordance with the policy titled "Verification," HIP21, is not included, the request does not need to be further processed, except to respond to the patient.
- c) The Amendment Request relates to a record that was not created by Pennsylvania Hospital. Determine whether the amendment request relates to a record that was created by Pennsylvania Hospital. If it was not created by Pennsylvania Hospital, it does not need to be further processed, except to respond to the patient. Note that in those cases where the record was not created by Pennsylvania Hospital, the request will be honored if the patient has provided a reasonable basis to believe that the originator of the record is no longer available to act on the request.
- d) The amendment request relates to information or a record that is not part of the designated record set. If the amendment request relates to information or a record not within the patient's designated record set, it does not need to be further processed, except to respond to the patient.
- e) The amendment request relates to information that the patient is not authorized to inspect by law. If the amendment request relates to information or a record that the patient is not authorized by law to inspect, it does not need to be further processed, except to respond to the patient. Pennsylvania Hospital is not required to accept amendments to records that the patient would not have the right to inspect. These include psychotherapy notes; information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; information created or obtained in the course of conducting research that includes treatment while the patient's right of access has been temporarily suspended in accordance with the research protocol; and information maintained by clinical laboratories that may not be released directly to the patient pursuant to CLIA.

<p>Pennsylvania Hospital & Surgery Center</p> <p>ADMINISTRATIVE POLICY MANUAL</p>	
<p>SUBJECT: PATIENT'S RIGHT TO REQUEST AN AMENDMENT OF HIS/HER PROTECTED HEALTH INFORMATION</p> <p>POLICY NUMBER: HIP3</p>	

4. Substantive Review

If the request has not been denied for the above reasons, the custodian of records will refer the request to the author of the record or information in question to see if the amendment is appropriate.

a) Record is Accurate and Complete as Written

If the author of the record or information in question determines that the record is accurate or complete as written and does not require amendment, an Amendment Denial Notice (see attached) will be sent to the patient by the appropriate custodian of records.

5. Amendment is Appropriate

If the author of the record determines that the amendment request is appropriate, an Amendment Approval Notice (see attached) will be sent to the patient by the appropriate custodian of records.

6. Documenting Approved Amendments

When an amendment or correction is approved, the amendment should be appended to the applicable record or a link provided showing where the amendment may be located. In no instances should the original record be altered.

7. Informing Others

When an amendment is accepted, the record custodian must make reasonable efforts to inform, and provide the amendment within a reasonable time to:

a) those persons identified by the patient as having received PHI about the patient and needing the amendment; and

b) persons, including business associates, that the author identifies as having the information that is the subject of the amendment, who may have relied on, or could foreseeably, rely on such information to the detriment of the patient.

8. Documenting Denied Amendments

When an amendment request is denied, append the amendment request to the applicable record or provide a link to the patient's request for an amendment. Include the Denial Notice of the request, the patient's statement of disagreement, if any, and our rebuttal statement, if any.

Pennsylvania Hospital & Surgery Center ADMINISTRATIVE POLICY MANUAL	
SUBJECT: PATIENT'S RIGHT TO REQUEST AN AMENDMENT OF HIS/HER PROTECTED HEALTH INFORMATION POLICY NUMBER: HIP3	

9. Statement of Disagreement/Rebuttal Statement

When an amendment request is denied, the patient has the right to submit a statement of disagreement to the custodian of records, which is limited to a maximum of one (1) page. Pennsylvania Hospital has the right to prepare a rebuttal statement to the patient's statement of disagreement, which the author of the record should prepare. The author may wish to consult with the entity Privacy Officer in preparing a rebuttal statement. If a rebuttal statement is prepared, a copy must be promptly sent to the patient.

10. Future Disclosures of the Record

If a statement of disagreement has been submitted by the patient, Pennsylvania Hospital must include the original request, its denial, the statement of disagreement and the rebuttal statement, as applicable, with any subsequent disclosure of the PHI to which the disagreement relates.

If the patient has not submitted a written statement of disagreement, Pennsylvania Hospital must include the patient's request for amendment and its denial with any subsequent disclosure of the PHI, but only if the patient has requested such action.

11. Responding to Other Covered Entities' Notices of Amendment

If Pennsylvania Hospital is informed by another covered entity (e.g., health care provider, payer, etc.) of an amendment to a patient's PHI, Pennsylvania Hospital must amend the PHI in the designated record set.

/s/Kathleen Kinslow
 Kathleen Kinslow, CRNA, EdD, MBA
 Executive Director

05/05/08
 Date

Disclaimer: Any printed copy of this policy is only as current as of the date it was printed; it may not reflect subsequent revisions. Refer to the on-line version for most current policy.

Use of this document is limited to University of Pennsylvania Health System workforce only. It is not to be copied or distributed outside the institution without administrative permission.