

## **Patients Request to Amend their PHI**

### **HIPAA Policy: Privacy 14**

**Summary:** Explains the process by which patients can request that their PHI held by HIPAA covered entities be amended

**Affected Individuals:** Staff at HIPAA covered entities; patients of HIPAA covered entities

## **1.0 PURPOSE**

The purpose of the University of Mississippi (UM) Patient's Request to Amend their Protected Health Information (PHI) Policy is to ensure that individuals are provided a right to request amendments to their PHI. The HIPAA Compliance Committee will coordinate with the Office of General Counsel and any other necessary staff or departmental service in order to receive and process amendment requests by individuals.

## **2.0 SCOPE**

The UM Patient's Request to Amend their PHI Policy applies to any individual requesting that an amendment be made to his/her PHI.

## **3.1 STANDARDS**

### **3.2 UM's Policy concerning requests for amendment(s) is as follows:**

- UM does allow individuals (patients) to request that amendments be made to his/her PHI. UM is not required to agree to the request.
- In cases where the individual's request is denied, UM allows the individual to submit to UM a statement of disagreement.
- If the individual does not submit a statement of disagreement, the individual is still allowed the right to request in writing that UM provide the denial with any future disclosures of PHI that is the subject of the amendment.
- In cases where the individual does submit a statement of disagreement, UM has the right to prepare a rebuttal statement in response to the individual's statement of disagreement. If asked by the individual, UM may or may not link the individual's request, UM's letter of denial, the individual's statement of disagreement, if any, and the covered entities rebuttal, if any, to the PHI subject to the request.

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- In cases where UM agrees to the request, UM will adhere to it.
- UM will act on original requests within sixty (60) days of its receipt or request an extension within the sixty days. This extension will not exceed an additional thirty (30) days.

### **3.3 Making a Request:**

An individual may make a request for amendments in writing at anytime. The patient may provide the request to the director of the relevant covered HIPAA entity. The director will pass the request to the HIPAA Compliance Committee along with the director's recommendation to grant or deny the request.

Valid requests must, at a minimum:

- Identify the specific PHI to which the individual desires a change;
- Specify the reason for the requested change; and
- Provide the information that the individual believes to be correct (i.e. if a patient's age is misstated in a record and the patient requests that it be corrected, the patient must supply us with the correct age).

### **3.4 Timely action by UM:**

UM will act on the individual's request for an amendment no later than 60 days after receipt of such a request. If during the 60 days it is determined that additional time is needed in order to respond to the request, UM must provide the individual with a written statement of the reasons for the delay and the date by which UM will complete its action on the request. The extension will not exceed 30 days from the date of the written statement for which the extension is made.

### **3.5 Reviewing the request:**

The HIPAA Compliance Committee will review the PHI that the individual wants to be amended and make a decision on whether or not UM should agree to the amendment, using the guidelines in 3.5 below.

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**3.6 Guidelines for making a decision:**

The following are grounds on which UM may base a denial of a request:

- If it is found that the PHI subject to the amendment was not created by UM, unless the individual provides a reasonable basis to believe that the originator of the PHI is no longer available to take action on the requested amendment;
- The PHI subject to the amendment is found not to be part of UM's designated record set;
- The PHI subject to the amendment is not available for inspection under HIPAA (i.e. information is involved in a legal claim and etc); and
- The PHI is determined to be accurate and complete and does not warrant a change.

**3.7 Informing those person(s) or entities identified by either UM or the patient as needing the corrected PHI:**

- If UM agrees to an amendment, UM must identify persons, including business associates that UM 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. UM must then obtain authorization from the individual to provide the amendment within a reasonable time to those identified.
- UM must also allow the individual a chance to identify persons whom the individual feels should be provided the amendment. In cases where the individual does identify persons who need the amendment, UM should obtain authorization from the individual to provide the amendment to the person(s).
- Documentation must be kept to show who was provided the amendment.

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**4.0 CONTACT INFORMATION**

For questions about the UM Patient's Request to Amend their PHI Policy or for more information, call the Office of General Counsel at 662-915-7014.