

UNIVERSITY OF FLORIDA
INFORMATION PRIVACY POLICIES & PROCEDURES
HEALTH INFORMATION OPERATIONAL GUIDELINES

I. Patient's Rights: Amendment of Records

A. POLICY

Rev. 06/01/2005

1. **Patients** or personal representatives have the right to request that the University of Florida correct or amend protected health information about the patient that is included in a designated record set.
2. **Requests for corrections** (i.e., altering documentation), with which the author of the documentation agrees, should simply be completed by the author, using approved error-correction procedures, and without referral to the Privacy Office.
3. **Requests for amendments** (i.e., adding documentation) may also be granted by the attending practitioner or clinic management at their discretion, without referral to the Privacy Office.
4. **Privacy Office Review:** The Privacy Office will review formal written requests for corrections, with which the author of the documentation does not agree, or in cases where the author is no longer available.

B. DEFINITIONS

1. **Correction:** The formal and deliberate alteration, deletion or other modification of documentation to make it more accurate.
2. **Amendment:** The formal and deliberate addition of documentation or material to make the original documentation more complete and thereby more accurate.

C. PRIVACY REQUIREMENTS

1. **Written Request:** Requests for correction or amendment must be submitted in writing and include a reason to support the request.
2. **Timely Response:** UF must act within 60 days after receiving a patient's written request for a correction or amendment.
3. **Response to Requests:** UF may deny a patient's request for correction or amendment if it is determined that the protected health information:
 - a) *Was not created by UF, unless the patient provides reasonable evidence that the originator of the PHI is no longer available to act on the request;*
 - b) *Is not part of the UF's designated record set;*
 - c) *Would not be available for inspection under the right to access; or*
 - d) *Is accurate and complete.*

D. PROCEDURES FOR STAFF

1. **Verify the identity** of any person requesting a correction or amendment, and if not the patient, the person's relationship to the patient and their authority to make the request. (See Verification of Identity and Authority for the verification process and a list of legal representatives.)

UNIVERSITY OF FLORIDA
INFORMATION PRIVACY POLICIES & PROCEDURES
HEALTH INFORMATION OPERATIONAL GUIDELINES

2. **Assist** the patient or representative to complete a Request for Amendment form. Forward the completed Request form to your immediate supervisor.
3. **Follow Up:** After review, the request for correction / amendment will either be denied or granted. Refer all questions about the grant or denial to your supervisor.

E. PROCEDURES FOR MANAGERS

1. Privacy Office Involvement in requests for amendments:

- a) *If a request for correction or amendment is granted and carried out without referral to the Privacy Office, the original Request form with documented response may be filed in the patient's health record.*
- b) *If the clinic requests assistance from the Privacy Office, the request will be reviewed with a representative from the clinic or department, the attending practitioner, or the author of the original documentation to determine if the correction or amendment is warranted.*
 - (1) If, after review, the material in question is deemed accurate and correct, the Privacy Office will notify the patient / representative that the request has been denied and the reason(s).
 - (2) If, after review, a correction or amendment is deemed reasonable and warranted, follow the steps in #2 following:

2. Making Corrections and Amendments

- a) *For corrections of original material:*
 - (1) The author should use approved error-correction techniques to make the correction.
 - (2) If the author is no longer available, the patient's current health care provider may make a new entry to clarify or amend the incorrect information. No previous entry may be obliterated, removed or destroyed.
 - (3) If the correction is part of a transcribed report, add a note to the electronic report to indicate that a correction has been made. (Contact Shands HI/RM as needed to obtain the procedure for noting corrections in dictated reports.)
- b) *For adding new material to the health record: A supervisor or other designated person should:*
 - (1) Add the amendment or additional material to or near the part of the designated record set that is affected or provide a link (by whatever method is most appropriate) to the location of the amendment.
 - (2) Attach the amendment to the record in such a way that it will accompany any future disclosures of the protected health information that was amended.

UNIVERSITY OF FLORIDA
INFORMATION PRIVACY POLICIES & PROCEDURES
HEALTH INFORMATION OPERATIONAL GUIDELINES

3. Documenting the Response to a Request:

a) If a request for a correction or amendment is granted, document the response on the lower part of the original Request for Amendment form. The Privacy Office will then:

- (1) Notify the patient or representative of the terms of the granted request;*
- (2) Make reasonable efforts to inform and provide the correction / amendment to persons identified by the requestor.*

b) If a request for amendment or correction is denied:

- (1) The Privacy Office will notify the patient or representative of the reason(s) for the denial on a Response to Request for Amendment form or in a letter.*
- (2) Place a copy of the notification in the patient's health record. All original forms are filed in the Privacy Office.*

4. Future Disclosures:

a) The University of Florida must include the patient's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the protected health information only if the patient has requested such action.

b) All statements of disagreement and rebuttals must be included, or, at the election of the University, an accurate summary of any such information, with any subsequent disclosure of the protected health information to which the disagreement relates.

5. Amendments from Other Providers: If another provider UF of an amendment to a patient's PHI, the University must amend the PHI in designated record sets it possesses.

F. REFERENCES:

- 1. HIPAA:** 45 CFR §164.501 (Definitions); §164.525 (Right to Request an Amendment)

G. EXHIBITS: None