

UNIVERSITY OF FLORIDA
INFORMATION PRIVACY POLICIES & PROCEDURES
PRIVACY MANAGEMENT

HIPAA: Responding to a Request for Amendment of a Medical Record

POLICY

Rev: 06/01/2005

1. Patients and personal representatives are permitted to request an amendment or correction of a medical record, if they feel it is inaccurate or incomplete. The University of Florida is not obligated to agree to these requests, but will review all requests and respond to the patient in writing within a reasonable period of time.
2. Requests of this type do not include routine changes of address or other demographic information, but refer to extraordinary or disputed additions or corrections to a record that require special arrangements outside the normal course of business.
3. The Privacy Officer may designate regional representatives to receive and process patients' requests for amendments.
4. If a request for amendment is denied, and the patient chooses to submit a written statement disagreeing with the denial, the statement will be included in the patient's medical record. The University may reasonably limit the length of a statement of disagreement from the patient.

DEFINITIONS

Amendment: The formal and deliberate addition of documentation or material to make the original documentation more complete and thereby more accurate.

Correction: The formal and deliberate alteration, deletion or other modification of documentation to make it more accurate.

PRIVACY REQUIREMENTS

1. The University has the right to require that requests for correction or amendment be submitted in writing and include a reason to support the requested amendment.
2. The University of Florida must act on the patient's request for a correction or amendment no later than 60 days after receipt of such a request.
3. The University of Florida may deny a patient's request for correction or amendment, if it determines that the protected health information or record:
 - a. Was not created by the University of Florida, unless the patient provides reasonable evidence that the originator of the PHI in question is no longer available to act on the request;
 - b. Is not part of the University of Florida designated record set;
 - c. Would not be available for inspection under the right to access; or
 - d. Is accurate and complete.

PROCEDURES

1. Review the completed request with a representative from the clinic or department, or with the author of the original documentation, to determine if the amendment is warranted.
 - a. Document the grant or denial of the request by completing the lower portion of the Request for Amendment form.
 - b. If the request is denied, document the reason(s) for the denial on a Response to Request for Amendment form, and notify the patient or representative. Notification of a denial of a request must contain:
 - 1) The basis for the denial.

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- 2) A notification of the individual's right to submit a written statement disagreeing with the denial and procedures for filing such a statement.
 - 3) A statement that if a statement of disagreement is not submitted, the individual may request that the facility provide the individual's *Request for Amendment* and the University's *Denial of Request* with any future disclosure of the protected health information that is the subject of the amendment.
 - 4) A description of how the individual may file a complaint with the University of Florida Privacy Office or the Secretary of Health and Human Services pursuant to HIPAA regulations.
 - c. If the request cannot be completed for some reason, document the reason(s) for the delay on a Response to Request for Amendment form only. Do not complete the lower portion of the Request for Amendment form.
 - d. File all original forms in the Privacy Office. Send copies of documentation to the appropriate areas to be filed in the patient's record. Send copies of the Request for Amendment and the Response forms to the patient.
2. If the correction / amendment is determined to be warranted,
- a. For corrections of original material,
 - 1) Notify the author of the original material, if available, that the entry may be corrected, using approved error-correction procedures.
 - 2) If the author of the material is no longer available, an entry may be made by, and at the discretion of, the patient's current practitioner to clarify or amend the incorrect information. No entry may be removed or destroyed.
 - 3) If the correction is warranted and is part of a transcribed report, a note will be added to the electronic report to indicate that a correction has been made. Contact the Shands HI/RM Transcription supervisor to obtain the procedure for noting corrections in dictated reports.
 - b. For amendments (adding new material to the medical record), notify a supervisor or other designated person to add the amendment 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.
 - c. Make reasonable efforts to inform and provide the correction / amendment to persons identified by the patient as needing the new material.
3. If the request for amendment is denied, and the patient chooses to submit a written statement disagreeing with the denial, file the statement with the original Request and Response forms. Send a copy of the statement to the appropriate area to be filed in the patient's medical record.
4. If necessary and appropriate, prepare a written rebuttal to the patient's statement of disagreement and file it with the patient's statement of disagreement. Send a copy of the rebuttal to the patient who submitted the statement of disagreement; also have a copy of the rebuttal filed in the patient's medical record.
5. The University must append or otherwise link the patient's request for an amendment, the University's denial of the request, the patient's statement of disagreement, if any, and the University's rebuttal, if any, to the designated record set.

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6. Future disclosures:
 - a. The patient's request for amendment and its denial, or an accurate summary of such information, must be included 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.
7. If another provider informs the University of Florida of an amendment to a patient's protected health information, notify the appropriate patient care area(s) to amend the protected health information in the designated record sets it possesses.
8. All documentation concerning the request for correction or amendment should be maintained in the Privacy Office for at least six years.
9. Copies of the documentation should be placed in the patient's medical record.

REFERENCES

HIPAA Regulations: 45 CFR § 164.501 (Definitions); § 164.526 (Right to Request an Amendment)

- EXHIBITS:** Form: Response to Request for Amendment