WAR MEMORIAL HOSPITAL

Type: ORGANIZATIONAL

Policy: Amendment of Health Information - HIPAA

Replaces: 06/01/15

Purpose: Patients have the right to request that amendments be made to their protected health information under the HIPAA privacy regulations. It is the policy of War Memorial Hospital to ensure that these rights are met.

Procedure:

A patient may request amendment of the information maintained by War Memorial Hospital in the designated record sets listed below.

Designated Record Sets
Patients may request amendments to information contained only in the following record sets:

- The patient’s medical records
- The patient’s billing records
- Other records that contain protected health information used to direct treatment

Procedures for Requesting Amendment of Information
Requests to amend protected health information must be submitted in writing. Patients should use the patient information amendment form.

- Patients who indicate their belief that the information in their records is incorrect should be given a patient information amendment form.
- Patients should be referred to the Health Information Management (HIM) Director to resolve questions about the form.

Action on Requests for Amendment of Information
The HIM Director may deny a patient’s request to amend records if the following criteria are met:

- The information to be amended was not created by War Memorial Hospital but was received from another entity.
- The information to be amended is accurate and complete.
- The information to be amended does not exist in the specified records.
- The information to be amended is not available for inspection by the patient or the patient’s representative.

Action must be completed on any request for amendment within 60 days of receiving the request. If action cannot be completed within 60 days, the hospital must notify the patient of the delay, including the reasons for the delay, and complete the review within 90 days of the date the request was originally received.

- Patient information amendment forms should be forwarded to the HIM Director.

Please Refer to PowerDMS for the Most Current Version of this Document.
• The HIM Director should contact the patient’s physician or a staff member he or she designates and request a review of the requested amendments.
• The physician or designated staff member should indicate which of the requested amendments should not be made because the information in the patient’s record is accurate and complete or meets the other requirements for denying a request that are listed above.
• The physician or designated staff member should then return the form to the HIM Director.
• The HIM Director should review the form after it is returned by the patient’s physician and identify any information that should be amended.
• The HIM Director should initiate the procedures for amending protected health information.
• The HIM Director should prepare a response to the patient.

Communication of Decision on Requests for Amendment of Information
After completing the review of a patient’s request for amendment of protected health information, the HIM Director will complete the patient information amendment form by indicating the disposition of each requested amendment.

A copy of the completed patient information amendment form will be sent to the patient along with any explanatory comments that the HIM Director believes to be necessary.

The patient will be asked to submit the names and addresses of any organizations or individuals that he or she has reason to believe have received the uncorrected information for the purpose of notifying them of the amendment.

Procedures for Amendment of Internal Records
When a patient’s request for amendment of protected health information is approved, either of the following procedures should be followed:
• The records containing the affected information are updated.
• The amended information is linked to the original information.

The HIM Director will refer the request for amendment to the medical practice staff member responsible for maintaining the affected records and will identify the records that need to be amended. Those records should either be amended or be linked to the amended information (that is, contained in a new or corrected record where it will be available when the affected information is used or disclosed in the future).

Notifying Other Parties That Information Has Been Amended
When a patient’s protected health information is amended in response to a patient, other organizations to which the information being amended has been disclosed will be notified of the amendment. Organizations to be notified include:
• Business associates, health plans, and other providers the HIM Director can identify as having received the information.
• Persons and organizations the patient can identify as having received the information that requires amendment, but only to the extent that the HIM Director can confirm that these persons or organizations previously received the information.

The Hospital is not required to confirm that the organizations or other entities notified of the amendment have updated their records.
Denial of Request for Amendment
When a request to amend protected health information is denied, the patient will be informed of the decision in writing. The notice sent to the patient must advise the patient of the following:

- The patient may submit a statement of disagreement that will become part of his or her records and will, in the future, be disclosed to any person or organization that receives the identified information.
- If the patient does not submit a statement of disagreement, he or she may ask the Hospital to include the request for amendment and the denial in any future disclosure of the identified information to any person or organization that receives the identified information.
- The patient may file a complaint with the provider concerning the request for amendment (a description of how the patient can file this complaint must be included in the notice).
- The letter must identify the name, mailing address, and telephone number of the HIM Director.

Statement of Disagreement
If the patient disagrees in writing when notified that a request for amendment of protected information has been denied, the HIM Director will review the objection and append or link it to the patient’s record. This will ensure that the objection will accompany the original information when it is used or disclosed in the future.

The HIM Director may prepare an accurate summary of the patient’s statement of disagreement if he or she believes that a summary will adequately provide a clear understanding of the disputed information.

Rebuttal of Disagreement
If a patient disagrees in writing when notified that a request for amendment of protected health information has been denied, the HIM Director will review the statement and determine whether a formal rebuttal or response, as provided for in federal regulations, is necessary. If it is determined that a rebuttal is necessary, the privacy official will prepare and append it to the patient’s records.

- The HIM Director will consult as necessary with the patient’s physician or other Hospital staff members to make this determination.
- Both the patient’s statement of disagreement and the rebuttal statement will be noted in the patient’s records.
- The statement of disagreement and the rebuttal will be either included in the patient’s records or linked to those records to permit them to be included with the original information when it is used or disclosed in the future.
- A copy of the rebuttal statement will be sent to the patient.

Receipt of Notification of Amendment
When notified by another Hospital, health plan, or other covered entity that protected health information received earlier has been amended, the Hospital will follow the procedures in place for handling its own amended information.