	Department:	Policy No.:
HAWAII HEALTH SYSTEMS C O R P O R A T I O N "Quality Healthcare for All"	Quality Through Compliance	CMP 041A
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POLICY	Issued by:	Effective Date:
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HIPAA Individual Right to Request Amendment	Chra Vanlomp HHSC Board of Directors	Page:
	By: Carol A. VanCamp Its: Secretary/Treasurer	

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I. PURPOSE: This Policy delineates the process whereby an individual, or the individual's legal representative, may exercise his/her legal right to request an amendment of the individual's protected health information held in a designated record set by Hawaii Health Systems Corporation (HHSC). The Policy also delineates the process by which HHSC will accept or deny the individual's request for amendment.

II. DEFINITIONS:

Amend – A formal alteration of legal documentation by modification or addition.

Correction – A formal alteration to a record by modification, deletion or addition.

<u>Designated record set</u> – Medical and billing records about the individual maintained by or for HHSC.

<u>Health Information Management:</u> The department in each HHSC facility that handles the medical records for the facility and coordinates documentation and responses to amendments and changes in the medical record.

<u>Patient Financial Services:</u> The department in each HHSC facility that addresses billing and financial records including the designated billing record set.

<u>Protected Health Information</u> (PHI) – Any information, identifiable to an individual, including demographic information, whether or not recorded in any form or medium that relates directly or indirectly to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

III. POLICY:

- A. Request for Amendment of Protected Health Information:
 - An individual, or the individual's legal representative, has the right to request an amendment of the individual's protected health information held in a designated record set by HHSC. This right continues for as long as the information is maintained in the designated record set.
 - 2. A request for amendment shall be made in writing and reasonably identify:
 - a) The information that is believed to be inaccurate or incomplete.
 - b) The changes sought.
 - c) The reason(s) that support the requested amendment.

- B. An individual's request for amendment will be acted upon within 60 days of the receipt of the request. Should additional time be needed to respond to the request, the individual will be notified, in writing, of the reasons for the delay and the date, within 30 days, by which action on the request will be completed.
- C. Acceptance of the Request for Amendment:
 - 1. A request for amendment of protected health information may be accepted on the basis of any of the following:
 - a) The requested amendment increases the accuracy or completeness of the documentation, or;
 - b) The originator of the documentation is no longer available to verify the accuracy or completeness of the documentation.
- D. Upon acceptance of a request for amendment, HHSC will:
 - Make the appropriate amendment to the record in accordance with legal requirements as determined by the type of record. At a minimum this will include identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.
 - 2. Notify the individual, in writing, of the acceptance of the amendment.
 - 3. Obtain the individual's identification of, and agreement to, have HHSC notify the relevant persons with whom the amendment needs to be shared.
 - 4. Within a reasonable time frame, make reasonable efforts to provide the amendment to:
 - a) Persons identified by the individual as needing the amendment, and;
 - b) Others, including business associates, that are known to have the protected health information that is the subject of the amendment and who may rely on the information to the detriment of the individual.
- E. Denial of the Request for Amendment: A request for amendment of protected health information may be denied on the basis of the following:
 - 1. The information was not created by HHSC, unless the originator is no longer available to act on the request.
 - 2. The information is not part of the individual's health information contained in the designated record set.
 - 3. The information would not be accessible to the individual as noted in the policy on Access to Protected Health Information.
 - 4. The information is accurate and complete.
- F. An individual will be notified of a denial of an amendment request in writing. The denial letter will include the following:
 - 1. The basis for the denial,
 - 2. The individual's right to submit a written statement disagreeing with the denial and a description of how the individual may file such a statement.
 - 3. A statement that if the individual does not submit a statement of disagreement, the individual may request that the original request for amendment and the denial accompany any future disclosures of the protected health information.
 - 4. A description of how the individual may complain to the Secretary of Department of Health and Human Services (DHHS), and
 - 5. A description of how the individual may complain to HHSC, including the name or title and telephone number of the contact person.

- G. Individual's Statement of Disagreement: HHSC will accept an individual's statement of disagreement written in response to a denial of amendment. HHSC reserves the right to reasonably limit the length of a statement of disagreement.
- H. Rebuttal Statement:
 - 1. HHSC reserves the right to prepare a written rebuttal to the individual's statement of disagreement.
 - 2. A copy of the any rebuttal statement will be provided to the individual.
- Record-keeping: HHSC will identify the protected health information in a designated record set that is the subject of an amendment and will append, or otherwise link, the individual's request for amendment, the denial of the request, the individual's statement of disagreement, if any, and the rebuttal statement, if any, to the designated record set.
- J. Future disclosures:
 - A statement of disagreement submitted by an individual, or an accurate summary of the statement, shall accompany any subsequent disclosures of the protected health information to which the disagreement relates.
 - 2. An individual's request for amendment and the denial of the request shall accompany any subsequent disclosures if the individual has requested such action.
 - 3. When a subsequent disclosure of the disputed information is made electronically, the additional material may be transmitted separately.
- K. Acceptance of Amendments from other Entities: Upon notification from a provider or health plan, HHSC will make the appropriate amendments to an individual's protected health information received from that provider or health plan.
- L. Amendment to protected health information held in a designated medical record set:
 - Requests to amend information held in a designated medical record set must be made in writing to Health Information Management department of the HHSC facility.
 - 2. If the originator of the documentation is not available, the Health Information Management department will accept the amendment, unverified and document the acceptance.
 - 3. If the originator of the documentation is available, Health Information Management will provide the medical record and appropriate information to him/her for review and determination as to whether the amendment to the protected health information should be accepted or denied.
 - 4. The originator of the documentation will document his/her acceptance or denial of the amendment and provide any comments to the Health Information Management department
 - 5. If the amendment is accepted, the Health Information Management department will coordinate the notification and amendment process.
 - 6. The individual will be notified, in writing, of the decision to amend the protected health information. The notification letter will include a copy of the amended information, and any comments made by the originator.
 - 7. Copies of the amended information will be forwarded to:
 - a) Persons identified by the individual on the Medical Record Amendment Form as needing the amendment, and;
 - b) Business associates of HHSC who are known to have received the information and may rely on the information to the detriment of the individual.
 - 8. Such disclosures will be noted on the Medical Record Amendment Form.
 - 9. If the amendment is denied, the Health Information Management department will:

- a) File or otherwise link the denial to the medical record.
- b) Notify the individual, in writing, of the decision to deny the amendment of the protected health information. The denial letter will include a copy of any comments made by the originator.
- 10. Upon receipt of a written statement of disagreement from an individual in response to an amendment denial, the Health Information Management department will coordinate the:
 - a) The individual's statement of disagreement will be filed, or otherwise linked, to the medical record.
 - b) A notation will be made at the site of the protected health information that is in dispute including "Amendment Documentation Date," signature, title, and date, *or*.
 - c) The record will be flagged as containing amendment documentation.
- 11. Upon receipt of a written rebuttal from an originator of the disputed documentation, the Health Information Management will:
 - a) Provide a copy of the rebuttal statement to the individual.
 - b) File or otherwise link the rebuttal statement with the Medical Record Amendment Form and the individual's statement of disagreement in the medical record.
- 12. HHSC will document in the medical record when an individual requests to have a denied amendment request accompany any future disclosure of the disputed information.
- 13. Protected health information that has been flagged or otherwise annotated as to the presence of amendments, amendment requests, statements of disagreement or rebuttal statements must be accompanied by such documentation in all subsequent disclosures. If a subsequent disclosure of the flagged information is made electronically, the additional material may be transmitted separately.
- M. Amendment to protected health information held in a designated billing record set:
 - 1. Requests to amend information held in a billing record will be made to Patient Financial Services.
 - 2. Verification of identity will be performed to the extent possible by verifying information such as name, birth date, social security number, address, account number or dates of service.
 - 3. If the individual requesting the amendment is not the subject of the information, Patient Financial Services will request that the subject individual call Patient Financial Services and provide a verbal agreement for the requesting individual to act on his/her behalf. Such verbal agreement will be documented in Patient Financial Services notes.
 - 4. If the account is marked as a Confidential Communication, Patient Financial Services will not act on any amendment request from anyone other than the subject individual.
 - Requests to amend demographic information such as spelling of name or change of address and simple questions/disputes about charges, etc. may be accepted verbally by Patient Financial Services staff and documented in Patient Financial Services notes.
 - 6. Requests to amend billing information substantially (such as misuse of insurance card) must be made in writing to Patient Financial Services.
 - 7. Patient Financial Services will coordinate the process of review and determination as to whether an amendment should be accepted.
 - 8. If the amendment to the billing record is denied, Patient Financial Services will notify the individual verbally if the request was received verbally and in writing if the request was received in writing. Documentation of any verbal follow-up will be done in Patient Financial Services notes.

- 9. If the amendment is accepted, the following process will be followed:
 - a) The individual will be notified of the acceptance verbally if the request was received verbally and in writing if the request was received in writing.
 - b) If the amendment is to the individual's demographic or financial information, Patient Financial Services will perform the correction and notify any appropriate departments.
 - c) If the correction is to charges or coding, the appropriate area will make the necessary credits or corrections to the billing and/or coding system.
 - d) A corrected bill will be submitted to the individual and the individual's insurer if any adjustment in reimbursement results from the correction.
- 10. All documentation related to an individual's request for amendment to a billing record, including letters, Business Office notes or statements of disagreement will be kept in Patient Financial Services file for as long as the information in question is maintained.
- N. HHSC facilities shall implement procedures to operationalize this Policy.
- IV. APPLICABILITY: This Policy applies to all HHSC facilities.
- V. AUTHORITY: 1996 Health Insurance and Portability and Accountability Act (HIPAA) 45CFR§164.526. *Practice Brief on Patient Access and Amendment to Health Records*, American Health Information Management Association (AHIMA), Chicago, Illinois, May 2001.
- VI. ATTACHMENT: None.