

TITLE

Individual's Right to Request an Amendments of Protected Health Information

PURPOSE

In accordance with 45 CFR § 164.526, this procedure provides guidance to The University of Arizona (UA) Health Care Components (HCCs) regarding the proper response to an individual's request to amend the Protected Health Information (PHI) in the health care and billing records that HCCs maintain.

REVIEW/REVISIONS

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- 06/2015

REFERENCES AND RELATED FORMS

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- Capitalized terms are defined in HIPAA Privacy Program Guidance (Definitions of Key Words) and 45 CFR Parts 160 and 164
 - HIPAA Privacy Program Form H (Request for Amendment of PHI)
 - HIPAA Privacy Program Form J (Letter for Delay in Processing Request for Amendment of PHI)
 - HIPAA Privacy Program Form K (Letter of Denial of Request for Amendment of PHI)

PROCEDURES

An individual has the right to have a HCC amend PHI or a record about the individual in a Designated Record Set, if applicable, and for as long as the PHI is maintained in the Designated Record Set; however, the HCC may deny an individual's request for amendment under certain circumstances described in this document.

1. Required Elements in HCCs' Procedures:
 - a. HCCs must implement written policies and procedures regarding amendments to PHI that comply with the provisions of 45 CFR § 164.526 and must address the following elements:
 - i. Process for reviewing a request to amend;
 - ii. Whether the request to amend must be in writing and be accompanied by required forms, if any, for the request;
 - iii. Process for requesting an extension of time to act on amendments, if necessary;
 - iv. Process for amending the record and notifying the individual and others of the amendment;
 - v. Process for denial of a request to amend; and
 - vi. Process for permitting an individual to submit a written statement disagreeing with a denial of a request to amend the record.
 - b. Optional Elements in HCCs' Procedures:

- i. HCCs may establish mechanisms to streamline the process of amendments to the record in order to facilitate payment and health care operations (e.g., change of address, health insurance, and contact information).
2. Role of the HIPAA Privacy Program: Upon receipt of a request to amend PHI that the HCC believes may result in a denial of the request, HCCs must immediately contact the HIPAA Privacy Program to review the request and follow its determination.
3. Documentation: HCCs and the HIPAA Privacy Program must maintain documentation of requests to amend PHI in compliance with 45 CFR § 164.530, Arizona statutes on public records and applicable UA procedures on Document Retention & Destruction.
 - a. Generally, HCCs must retain documentation regarding requests for a period of six years.
4. Business Associates: Generally, Business Associates are required to inform the Covered Entity of any requests to amend PHI and should not amend the PHI unless the Business Associate Agreement states otherwise.