

**SECTION – MEDICAL/NURSING SERVICES
ADMINISTRATIVE DIRECTIVE NO. 585
(Replaces AD 585 Dated 11/10/05)**

Effective Date: October 5, 2006

**SUBJECT: HIPAA PROTECTED HEALTH INFORMATION - AMENDMENT OR
CORRECTION PROCESS**

I. PURPOSE

To provide Coalinga State Hospital (CSH) Individuals a method to exercise their rights under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to amend or correct their protected health information.

II. AUTHORITY

Code of Federal Regulations (CFR) 164.526 Health Insurance Portability and Accountability Act of 1996 (HIPAA). Special Order 501.3, 512, 513, California Health and Safety Code 12311.

III. POLICY

It is the policy of CSH to allow Individuals who believe that the protected health information contained in their CSH medical record is incomplete or incorrect may request an amendment or correction to the information as outlined in this policy.

IV. METHOD

- A. Individuals, who believe that information in their CSH medical record is incomplete or incorrect, may request an amendment or correction by completing the CSH form, "Request for Correction/Amendment of Health Information". Requests are to be routed to the Director of the Health Information Management Department (HIMD).
- B. The Health Information Management Department (HIMD) Director or designee will log all received requests for correction or amendment, review the content of each request, and route the request for processing as follows:
 - 1. Demographic Data: Requests concerning demographic data (e.g., name, date of birth, ethnicity, marital status, religion, birthplace, address, etc.) will be investigated and responded to by HIMD. Questionable or problematic requests will be routed to the Protected Health Information Team (PHI Team).

2. **Medical Record Content:** Requests related to medical record documentation, within the designated record set, created by staff of CSH will be investigated and responded to by the PHI Team. The PHI Team, under the oversight of the hospital's Privacy Officer, will meet regularly for the purpose of investigating, tracking, and responding to Individual requests for amendment of protected health information.
- C. **Timeframes:** Requests for correction/amendment must be acted on no later than 60 days after receipt of the request. Provided CSH gives the Individual a written statement of the reason for the delay, and the date by which the correction/amendment will be processed, CSH may have a one-time extension of up to 30 days for processing the request.
- D. **Reasons for Denials:** CSH may deny the Individual's request for correction/amendment if the health information that is the subject of the Individual's request:
1. Was not created by the staff of CSH.
 2. Is not part of the Individual's CSH medical record (designated record set).
 3. Would not be accessible to the Individual for inspection under section 164.524 of the Federal Register.
 4. Is accurate and complete.
- E. **Requirements - Denied Requests:** If CSH denies, in whole or any part of, the requested correction/amendment, it must provide the Individual with a timely denial, written in plain language that contains:
1. The basis for the denial.
 2. The Individual's right to submit a written statement disagreeing with the denial and 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 CSH include the Individual's request for correction/amendment and the denial with any future disclosures of protected health information.
 4. A description of how the Individual may complain to CSH or the Secretary of Health and Human Services.
 5. The name or title and address of the designated contact person who handles complaints for CSH. The designated contact person at CSH is the Privacy Officer.

- F. **Statement of Disagreement:** The Individual may submit a written statement of disagreement with the denial of all or part of the requested correction/amendment and the basis of such disagreement. HIPAA permits the hospital to reasonably limit the length of this statement. A CSH form, "Patient's Statement of Disagreement" is to be used for this purpose.
- G. **Rebuttal Process:** CSH may prepare a written rebuttal to the Individual's statement of disagreement. The PHI Team will direct the preparation of the rebuttal if indicated; a copy of the rebuttal must be provided to the Individual.
- H. **Disputed Correction/Amendments:** CSH must identify the protected health information that is the subject of a disputed amendment, and append or otherwise link:
 - 1. The Individual's request for amendment;
 - 2. The hospital's denial of the request;
 - 3. The Individual's statement of disagreement, if any;
 - 4. The hospital's rebuttal, if any.

The PHI Team will direct this process and, as appropriate, will instruct that documents related to disputed correction/amendments be filed under the "Patient Input" tab of the CSH medical record.

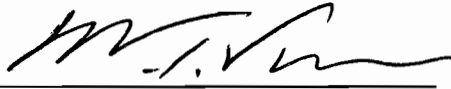
- I. **Linking Correction/Amendments with Medical Record Entries:** Medical record entries for which there is a corresponding correction/amendment request, as described in paragraph H above, will be "linked" by using a stamp which reads, "See Patient Input Tab", and a medical record divider tab, which reads, "Patient Input Tab". The PHI Team, when processing a request for correction/amendment to a medical record entry, will stamp the entry, "See Patient Input Tab". Filed under the "Patient Input Tab" will be all corresponding documents as described in paragraph H above. If a medical record entry, which is stamped "See Patient Input Tab", is to be included in the release and/or review of medical record documents, the corresponding correction/amendment documents located under the "Patient Input Tab" must be included.
- J. **Patient Input Tab:** The PHI Team must give prior approval for the filing of any/all documents placed under the "Patient Input Tab" of the CSH medical record. Medical record documents filed here are considered part of the hospital's "Designated Record Set".
- K. **Subsequent Disclosures of Protected Health Information:** Specific processes must be followed when the medical record contains requests for amendment/correction. These processes are outlined below:

1. Statement of Disagreement submitted: If the Individual has submitted a Statement of Disagreement, CSH must include the material appended or an accurate summary of such information with any subsequent disclosure of the protected health information to which the disagreement relates.
 2. Statement of Disagreement not submitted: If the Individual has not submitted a written statement of disagreement, CSH must include the Individual's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of protected health information only if the Individual has requested and authorized such action.
- L. Accepted Requests: If CSH accepts the requested correction/amendment, in whole or in part, it must comply with the following requirements:
1. Make the correction/amendment to protected health information. Identify the records in the designated record set that are affected by the amendment and provide a link to the location of the correction/amendment. The linkage process is as described in this directive on page 3, Section I.
 2. Inform the Individual that the correction/amendment has been accepted, and ask him if there are Individuals and/or agencies with which he wants this correction/amendment information shared.
 3. Within a reasonable time frame, efforts must be made to provide the correction/amendment information to persons identified by the Individual, and persons (including business associates) that are known to have received the information that is the subject of the amendment. Special effort must be taken to resolve the matter if the information amended or corrected could have been relied on, or could foresee ably be relied on, to the detriment of the Individual.
 4. When informed by another covered entity about an amendment/correction to a record, the state hospital must amend the information in its record by identifying the affected records and providing a link to the location of the amendment.

V. ACCEPTING AN ADDENDUM

- A. California Health and Safety Code § 123111 gives the Individual a right to have a written addendum included in the medical record. An Individual who inspects his medical record has the right to provide a written addendum if the Individual believes that an item or statement is incomplete or incorrect. At CSH, Individuals may use the "Written Addendum - California Health and Safety Code 123111" form for this purpose.
- B. The addendum is to be limited to 250 words per alleged incomplete or incorrect item and the addendum must clearly indicate that the Individual wishes it to be made part of the medical record.

- C. Upon receipt, the addendum is to be linked to the affected PHI and filed in the medical record under the Individual Input tab as part of the designated record set.



W. T. VOSS
Executive Director

Cross-reference:
A.D. No. 278 Protected Health Information Committee