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Revised Date: 3/1/2018  
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## North Sound Behavioral Health Organization

### Section 2500 – Privacy: Individual Right to Amend Protected Health Information (PHI)

Authorizing Source: 45 CFR 164.526 (HIPAA); 45 CFR Part 2; RCW 70.02

Cancels:

Approved by: Board of Directors

See Also:

Motion #: 03-013

Date: 4/14/2003

Responsible Staff: Privacy Officer

Executive Director's Signature:

Date: 3/6/2018

## POLICY #2515.00

### SUBJECT: INDIVIDUAL RIGHT TO AMEND PROTECTED HEALTH INFORMATION (PHI)

#### PURPOSE

In compliance with Health Insurance Portability and Accountability Act (HIPAA), Part 2 and Washington law, this policy sets out the process for providing Individuals with an opportunity to amend PHI about the Individuals that is maintained by North Sound Behavioral Health Organization (North Sound BHO) in a Designated Record Set.

Capitalized terms in this policy have specific meanings. Definitions under this policy include Authorized Representative, Designated Record Set, Individual, PHI and Workforce. See Policy 2502.00: Definitions for Policies Governing PHI.

#### POLICY

North Sound BHO will consider all requests from Individuals or their Authorized Representatives (the Requestors) to amend PHI about the Individual. North Sound BHO will make appropriate amendments of incomplete or inaccurate PHI about the Individual that is maintained by North Sound BHO in a Designated Record Set for as long as North Sound BHO maintains the PHI. Because North Sound BHO does not maintain Treatment records, but only certain data elements, North Sound BHO does not receive many requests for amendment. North Sound BHO, however, respects Individuals' right to request amendment of PHI. North Sound BHO will make appropriate amendments and will assist Individuals in directing them to appropriate Health Care Providers to request amendments.

#### PROCEDURES

##### 1. Requests

- 1.1 **In Writing.** Requests to amend any of the PHI held by North Sound BHO must be in writing. North Sound BHO prefers the use of its Request for Amendment Form <http://northsoundbho.org/Forms> but will accept any written request that addresses minimum information as outlined in the form. If necessary, the Requestor may receive assistance from a Workforce member in completing the request form. If a Workforce member receives a verbal request, the Workforce member should inform the Requester the North Sound BHO takes requests for amendment but only in writing and encourage the Requestor to use the recognized form.

- 1.2 **To Privacy Officer.** Requests for amendment will be promptly forwarded to the Privacy Officer. The Privacy Officer is responsible for making the following determinations and for managing communications with Workforce.
- 1.3 **Exemption for Routine Requests.** This policy does not apply to routine requests that do not involve direct treatment and Payment information, such as an Individual requesting the update of contact information. A Workforce member may handle routine requests informally by appropriately updating the information. In routine request situations, the Workforce member still must verify the identity and authority of the Requestor. See Section 2.2 of this policy and Policy 2524.00: Verification of Identity.

## 2. **Processing a Request**

- 2.1 **Log Request Upon Receipt.** Requests will be deemed made when they are received by North Sound BHO. The Privacy Officer will verify all requests are logged and will appropriately review all logged requests for amendment to PHI, as well as North Sound BHO's responses.
- 2.2 **Identity Verification.** The Privacy Officer will verify the identity of the Requestor as an Individual or the Individual's Authorized Representative. See Policy 2524.00: Verification of Identity.
- 2.3 **Confirmation of PHI.** The Privacy Officer also will determine whether North Sound BHO possesses or is responsible for the PHI in question.
- 2.4 **Assistance to Individuals.** If the Privacy Officer determines North Sound BHO does not maintain the requested PHI, the Privacy Officer will inform the Requestor and provide the Requestor with the name and address, if known, of the person or entity who maintains the PHI.
- 2.5 **Completeness.** The Privacy Officer will review the request for completeness and will contact the Requestor if additional information is needed to respond to the request. Any contact and additional information will be documented.

## 3. **Determinations**

- 3.1 **Involvement of Decision-Makers.** The Privacy Officer will determine necessary and appropriate Workforce members to involve with regard to making determinations in response to the request.
  - 3.1.1. The Privacy Officer should determine who should be involved in any decision concerning the requested amendment or correction (e.g., the Executive Director, Deputy Director, Ombuds, or legal counsel).
  - 3.1.2. The decisions should be based on the significance of facts and circumstances specific to the requested amendment or correction. Factors may include, but not be limited to: the intended use of the PHI, both internally and externally, and the impact of the amendment or correction on the Requestor. For example, a simple change in a relatively insignificant data may be able to be approved easily with very little input from others besides the primary Workforce involved and the Privacy Officer.

- 3.1.3. The Privacy Officer will attempt to reach consensus with respect to any determinations but shall make the final determinations, based on input from appropriate Workforce members, as to requests for amendment.
  - 3.2 **Response to Requests.** In response to each request for amendment to PHI, North Sound BHO either shall:
    - 3.2.1. Agree to the amendment and promptly make the agreed-to amendment;
    - 3.2.2. Deny the amendment in full, providing the Requestor the rights described in Section 5 of this policy; or
    - 3.2.3. Agree in part to the request and deny in part the request.
4. **Granting Requests.** In those instances when North Sound BHO grants the request for amendment, North Sound BHO will do the following:
  - 4.1 **Making the Amendment.** The Privacy Officer will arrange to make the amendments or corrections.
  - 4.2 **Inform the Requestor.** North Sound BHO shall inform the Requestor in writing of North Sound BHO's agreement to make the amendment and attempt to obtain identification, agreement and, as necessary, authorization from the Requestor to have North Sound BHO notify the relevant persons with whom the amendment needs to be shared.
  - 4.3 **Informing Others.** North Sound BHO will provide notification of the amendment within a reasonable time to those persons who North Sound BHO knows have the disputed PHI and may have relied upon the PHI in the past, or who might reasonably be expected to rely upon it in the future, to the detriment of the Requestor.
5. **Denial of Requests**
  - 5.1 **Grounds for Denial.** North Sound BHO may deny any request for amendment or correction if it determines that:
    - 5.1.1. The information is accurate and complete;
    - 5.1.2. North Sound BHO did not create the information, unless the Requestor provides a reasonable basis to believe the originator of the PHI is no longer available to act on the requested amendment;
    - 5.1.3. The information is not part of the Designated Record Set; or
    - 5.1.4. The information would not be available for inspection by the Requestor under Policy 2514.00: Right to Access PHI.
  - 5.2 **Notification of Denial.** In those instances, when North Sound BHO denies the request for amendment, North Sound BHO will provide the Requestor with a written denial that is in plain language and contains:
    - 5.2.1. The basis for the denial.
    - 5.2.2. The Requestor's right to file a written statement (up to 500 words) disagreeing with the denial with direction to send the statement to the Privacy Officer.

- 5.2.3. A statement that if the Requestor does not submit a statement of disagreement, the Requestor may request North Sound BHO to provide the request for amendment and the denial with any future disclosures of PHI that is the subject of the amendment.
    - 5.2.4. The process for the Requestor to use to file a complaint about the denial to North Sound BHO, including the name, title and telephone number of the North Sound BHO Workforce member or office responsible for complaints or to the Secretary of Department of Health and Human Services (DHHS).
    - 5.2.5. If North Sound BHO does not maintain the PHI or is not the creator of the PHI to be amended, a statement the North Sound BHO did not create or maintain the PHI and the provision of the name and address of the person who maintains the record.
  - 5.3 **Statement of Disagreement.** For any denials, North Sound BHO shall permit the Requestor to file a written statement of disagreement that describes Requestor's disagreement with the denial of all or part of the requested amendment and the basis of the disagreement. Any statement of disagreement shall be limited to 500 words. North Sound BHO will append the statement of disagreement to the disputed information within the Designated Record Set.
  - 5.4 **Provisions of Request and Denial.** A statement that if the Requestor does not submit a statement of disagreement, the Requestor may request North Sound BHO to provide the request for amendment and the denial with any future disclosures of PHI that is the subject of the amendment.
  - 5.5 **Rebuttal Statements.** In response to any statement of disagreement, North Sound BHO may prepare a rebuttal statement and append it to the disputed information within the Designated Record Set. If North Sound BHO does so, North Sound BHO will provide the Requestor with a copy of the rebuttal statement.
  - 5.6 **Future Disclosures.** North Sound BHO shall include any statement of disagreement and any rebuttal statement with any subsequent disclosures of PHI to which the disagreement relates. Alternatively, North Sound BHO, in its discretion, may include an accurate summary of the information relating to the disagreement with future disclosures of PHI.
6. **Timing.** North Sound BHO will respond to all requests from Requestors for amendment or correction to PHI within 10 days from the date of its receipt of the request. If North Sound BHO is unable to respond within this amount of time, North Sound BHO will so notify the Requestor in writing prior to the expiration of the 10-day period and provide the reason why North Sound BHO needs additional time and the estimated date (which may be no more than an additional 11 days beyond the original 10 days) by which North Sound BHO expects to complete action on the request.
7. **Retention of Documentation.** Documentation relating to an Individual's right to amend their PHI shall be retained at least six (6) years. Retention requirements include:
  - 7.1 **Policies, procedures and processes related to the right to amend PHI;**
  - 7.2 **Requests for amendment;**

- 7.3 **North Sound BHO's responses to requests;**
- 7.4 **Statements of disagreement; and**
- 7.5 **Rebuttal statements.**

8. **Related Policies.** Other policies and procedures to review that are related to this policy:

- 8.1 **Policy 2501.00: Privacy and Confidentiality;**
- 8.2 **Policy 2502.00: Definitions for Policies Governing PHI;**
- 8.3 **Policy 2510.00: Notice of Privacy Practices;**
- 8.4 **Policy 2514.00: Right to Access PHI;**
- 8.5 **Policy 2521.00: Authorizations; and**
- 8.6 **Policy 2524.00: Verification of Identity.**

**ATTACHMENTS**

None