

University of Colorado Health Sciences Center
HIPAA Policy

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I. Purpose, Reference, and Responsibility

A. Purpose

The purpose of this policy is to assure the right of an individual to request that the UCHSC amend protected health information about the individual in the UCHSC's designated record set for as long as the protected health information ("PHI") is maintained in the designated record set.

B. Reference

45 C.F.R. §164.526

C. Responsibility

It is the responsibility of all members of the UCHSC workforce to comply with this policy.

II. Applicability and Definitions

A. Applicability

This policy applies to an individual's right to have PHI amended in the designated record set maintained by UCHSC.

B. Definitions

Covered Entity
Designated Record Set
Protected Health Information (PHI)
Secretary
Workforce

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III. Policy

A. General

1. Individuals have the right to request amendments to PHI about the individual in the UCHSC's designated record set for as long as the PHI is maintained in the designated record set.
2. However, the UCHSC may deny an individual's request for amendment if it determines that the PHI that is the subject of the request:
 - a. Was not created by UCHSC, unless the individual provides a reasonable basis to believe that the originator of the PHI is no longer available to act on the requested amendment;
 - b. Is not part of the designated record set;
 - c. Would not be available for inspection as outlined in UCHSC HIPAA Policy number 6.4; or,
 - d. Is accurate and complete.

B. Requests for Amendment.

1. The UCHSC must permit an individual to request that the UCHSC amend the PHI maintained about the individual in the UCHSC's designated record set.
2. All requests for amendment must be made in writing and must contain a reason in support of the requested amendment. All individuals requesting amendment must be informed of these requirements prior to making their official requests.
3. The person to whom the request was made must act on the request for amendment no later than 60 days after receipt of the request. If the person to whom the request was made is unable to act on the amendment within the 60 day period, the period may be extended by an additional 30 days provided that:

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- a. The UCHSC HIPAA Privacy Officer is notified;
- b. Within the first 60 days, the Privacy Officer must provide the individual with a written statement of the reasons for the delay and the date by which the UCHSC will complete its action on the request; and,
- c. There have been no other 30 day extensions on the request.

C. Acceptance of the Amendment.

If the person to whom the request was made makes the requested amendment, he or she must:

1. Contact the UCHSC HIPAA Privacy Officer;
2. Make the appropriate amendment to the PHI or record that is the subject of the request by, at a minimum, 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;
3. The person to whom the request was made must inform, in writing, the individual in a timely manner that the amendment is accepted;
4. If applicable, obtain the individual's identification of and agreement to have the UCHSC notify relevant persons with which the amendment needs to be shared; and,
5. If applicable, make reasonable efforts to inform and provide the amendment within a reasonable time to:
 - a. persons identified by the individual as having received PHI about the individual and needing the amendment; and
 - b. persons, including business associates, that the UCHSC knows have the PHI that is the subject of the amendment and that may have relied, or could foreseeably rely, on the information to the detriment of the individual.

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D. Denial of the Amendment.

If the person to whom the request was made denies the amendment, in whole or in part, he or she must:

1. Contact the UCHSC HIPAA Privacy Officer;
2. Work with the Privacy Officer to provide the individual with a timely, written denial which:
 - a. is written in plain language;
 - b. contains the basis for the denial as provided in section A2 above;
 - c. contains the individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement if he or she chooses;
 - d. contains a statement that if the individual does not submit a statement of disagreement, the individual may request that the UCHSC provide the individual's request for amendment and the denial with any future disclosures of the PHI that is the subject of the request for amendment; and
 - e. contain a description of how the individual may complain to the UCHSC (including the title and telephone number of the Privacy Officer) or to the Secretary of HHS.
2. The UCHSC must permit the individual to submit a written statement disagreeing with the denial of all or part of the requested amendment and the basis of the disagreement. The length of the statement is limited to two pages.
3. The UCHSC may prepare a written rebuttal to the individual's statement of disagreement. If a rebuttal is prepared, the UCHSC must provide a copy to the individual.
4. If applicable, the UCHSC must identify the record or PHI in the designated record set that is the subject of the disputed amendment and append or otherwise link the individual's request for an amendment, the UCHSC's denial of the request, the

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individual's statement of disagreement, if any, and the covered entity's rebuttal, if any, to the designated record set.

5. If a statement of disagreement has been submitted by the individual, the UCHSC must include the material appended in accordance with the above paragraph, or an accurate summary of the information, with any subsequent disclosure of PHI to which the disagreement relates.

If the individual has not submitted a written statement of disagreement, the UCHSC must only include the individual's request for amendment and its denial, or an accurate summary of the information, with any subsequent disclosure of PHI only if the individual has requested the UCHSC do so.

If the disclosures specified above are made as part of a transaction which does not permit additional material to be included, the UCHSC may separately transmit the material.

E. Notice of Amendment by Another Covered Entity.

If the UCHSC is informed by another covered entity that there is an amendment to an individual's PHI, it must amend the PHI in its designated record set by, at a minimum, 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.

F. Retention of Documents.

The UCHSC must retain the documentation required by this policy for a minimum of six years from the date of its creation or the date when it last was in effect, whichever is later.