

Requests by Patients to Amend Protected Health Information

RATIONALE

Per the Illinois Healthcare Exchange:

“Pursuant to HIPAA (45 C.F.R §164.526), an Individual generally has the right to request an amendment of Protected Health Information about the Individual that is contained in the Designated Record Set of a Covered Entity.”

PURPOSE

This Requests by Patients to Amend Protected Health Information policy (Policy) identifies and establishes the Palmer College of Chiropractic’s (College) expectations regarding patient’s/client/research participant’s right to request an amendment to their protected health information (PHI).

SCOPE

This Policy applies to the entire College community, which is defined as including the Davenport campus (Palmer College Foundation, d/b/a Palmer College of Chiropractic), West campus (Palmer College of Chiropractic West) and Florida campus (Palmer College Foundation, Inc., d/b/a Palmer College of Chiropractic Florida) and any other person(s), groups, or organizations affiliated with any Palmer campus.

DEFINITIONS

For the purposes of this Policy, the following terms shall have the meanings specified below:

- > The term **“business associate”** refers to a person or entity not affiliated with Palmer College of Chiropractic that performs or assists in performing for or on behalf of any unit in the Palmer College of Chiropractic Health Care Component, business support functions/services that involve the use of Protected Health Information.
- > The term **“College”** refers to Palmer College of Chiropractic, including operations on the Davenport campus; West campus; and Florida campus.

- > The term “**College community**” refers to all students, faculty, staff (including administration), and any other person(s), groups, or organizations affiliated with any Palmer campus.
- > The term “**designated record set**” refers to a group of records which are maintained by or for the PCC HCC and which (1) includes the health care and/or billing records about individuals maintained by a health care provider; and (2) are used in whole or in part for the healthcare provider to make health care decisions about individuals.
- > The term “**Palmer College of Chiropractic Health Care Component**” (PCC HCC) refers to those health care units of Palmer College Foundation and Palmer College of Chiropractic West that have been designated as part of its health care component. For more information, refer to the Institutional Policy, Designation of the Palmer College of Chiropractic Health Care Component.
- > The term “**protected health information**” (PHI) refers to information, including demographic information, which relates to the individual’s past, present or future physical or mental health or condition; the provision of health care to the individual; or the past, present or future payment for the provision of health care to the individual, and that identifies the individual or for which there is a reasonable basis to believe can be used to identify the individual. PHI includes many common identifiers (e.g. name, address, birthdate, Social Security number) when such can be associated with the health information listed above. PHI does not include student records held by educational institutions or employment records held by employers. However, this information is still treated confidentially under other applicable laws.
- > The term “**record**” refers to any item, collection or grouping of information that includes PHI and is maintained, collected, used or disseminated by or for a health care provider.
- > The term “**standard transaction**” refers to a transaction using the HIPAA standardized electronic transactions and code sets for healthcare claims, healthcare payment and remittance advice, coordination of benefits, healthcare claim status, enrollment and unenrollment in a health plan, eligibility for a health plan, health plan premium payments, referral certification and authorization, first report of injury and health claims attachments.

ADMINISTRATIVE RULES

Requests to Amend Protected Health Information

The patient/client/research participant has the right to request an amendment of their PHI for as long as that information is maintained in the designated record set. The College may grant or deny the request for amendment. Patients/clients/research participants are advised of their right to request amendments to their PHI in the Notice of Privacy Practices.

This Policy sets forth procedures utilized by the College for appropriately amending, as required by law, PHI in a designated record set based on a patient/client/research participant request.

PROCEDURE

Each unit (hereafter referred to as “department”) of the PCC Health Care Component (HCC) must designate a Privacy Officer to receive and process requests for amendments.

Patient/client/research participant requests for amendment of PHI must be made in writing by the patient/client/research participant or their legally authorized representative (if the requestor is a minor or is incapacitated) and directed to the designated department representative.

1. The patient/client/research participant has the right to request an amendment of their PHI for as long as that information is maintained in the designated record set.

The requests must clearly identify the information to be amended, as well as the reasons for the amendment.

Supporting documents, such as clinical records from other facilities, must be included with the request when appropriate. If no supporting documents are presented due to error, this must be stated at the time of the request.

The Privacy Officer will notify the appropriate attending provider when an assigned patient/client/research participant requests an amendment. When the attending provider is no longer at the College, the appropriate employee will be appointed by the Privacy Officer to review the request.

A healthcare professional who did not participate in the care of the patient/client/research participant may amend entries in the clinical record when they are in receipt of clinical information that is consistent with the requested amendment.

PCC HCC may deny amendment requests if the PHI that is the subject of the request:

1. Was not created by PCC HCC, unless the originator is no longer available to act on the request;
2. Is not part of the patient/client/research participant's designated record set;
3. Is not accessible to the patient/client/research participant because federal and state laws do not permit it; and/or
4. Is accurate and complete.

Within a reasonable time and no more than 30 days after receipt of the request, the Privacy Officer will notify the patient/client/research participant in writing whether the request was granted or denied. If, for any reason, PCC HCC is unable to act on the amendment request within 30 days, it may extend the time to respond by no more than 30 days if it provides the patient/client/research participant with a written statement indicating the reasons for the delay and the date a decision on the request will be made.

Granted Request

If the request is granted, after review and approval by the individual responsible for the entry to be amended, the PCC HCC department will:

1. Insert the amendment or provide a link to the amendment at the site of the information that is the subject of the request for amendment;
2. Inform the patient/client/research participant that the amendment is accepted;
3. Obtain the patient/client/research participant's identification of, and agreement to have the PCC HCC department notify, the relevant persons with whom the amendment needs to be shared; and
4. Within a reasonable timeframe, make efforts to provide the amendment to those who may have relied on or could foreseeably rely on the information to the detriment of the patient/client/research participant. Examples of these persons or organizations could include persons identified by the patient/client/research participant, business associates (see definition below), and other covered entities including hospitals, clinics and other providers known to have the relevant patient/client/research participant PHI.

Denied Request

The PCC HCC department will provide the patient/client/research participant with a timely, written denial in plain language containing:

1. The basis for the denial;
2. The patient's/client/research participant's right to submit a written statement disagreeing with the denial and how the patient/client may file such a statement;
3. As an alternative to "b" above, the patient's/client/research participant's right to request that the patient's/client/research participant's request for amendment and the PCC HCC department's denial be provided with any future disclosures of the PHI that was the subject of the request;
4. A description of how the patient/client/research participant may file a complaint with Palmer College of Chiropractic.
5. A description of how the patient/client/research participant may file a complaint with the Secretary of the U.S. Department of Health and Human Services; and
6. The name or title and the telephone number of the designated contact person who handles this type of complaint for Palmer College of Chiropractic.

STATEMENT OF DISAGREEMENT

The PCC HCC department must permit the patient/client/research participant to submit to the PCC HCC department a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. The PCC HCC department may reasonably limit the length of a statement of disagreement.

REBUTTAL STATEMENT

The PCC HCC department may prepare a written rebuttal to the patient's/client/research participant's statement of disagreement. Whenever such a rebuttal is prepared, the PCC HCC department will provide a copy to the patient/client/research participant who submitted the statement of disagreement.

1. Recordkeeping: the PCC HCC department will, as appropriate, identify the record of PHI that is the subject of the disputed amendment and append, or otherwise link

to it, the patient/client/research participant's request for amendment, the PCC HCC department's denial of the request, the patient/client/research participant's statement of disagreement (if any), and the PCC HCC department's rebuttal (if any) to the patient's request and statement of disagreement to the designated record set.

2. Future disclosures:

- a) If a statement of disagreement has been submitted by the patient/client/research participant, the PCC HCC department must include the material appended in paragraph "4" above, or at the election of the PCC HCC department, an accurate summary of any such information, with any subsequent disclosure of the PHI to which the disagreement relates.
- b) If a statement of disagreement has not been submitted by the patient/client/research participant, the PCC HCC department must include the request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI, only if the individual has requested such action in accordance with J.1.c. above.
- c) When a subsequent disclosure is made in connection with a standard that does not permit the additional material to be included with the disclosure, the PCC HCC department may separately transmit the additional material to the recipient of the standard transaction.

Notification from another Organization

When PCC HCC receives notification from another organization that a patient/client/research participant's PHI has been amended, PCC HCC:

1. Will make the appropriate amendment to the PHI or record that is the subject of the amendment 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.
2. May inform a business associate that uses or relies on the patient's/client/research participant's PHI of the amendment, depending on if the amendment is material to the use of PHI by the business associate.

STANDARD INSTITUTIONAL POLICY PROVISIONS

Institutional policies are supplemented by provisions that are applicable to all institutional policies. It is the responsibility of all employees and students to know and comply with these standards.

- > [Standard Provisions Applicable to All Institutional Policies](#)

Additional Information

ASSOCIATED POLICIES, PROCESSES AND/OR PROCEDURES

This Policy is supplemented below. It is the responsibility of all employees and students to know and comply with policies and procedures as supplemented.

POLICIES

- > [Designation of the Palmer College of Chiropractic Health Care Component](#)

PROCESSES AND/OR PROCEDURES

- > [N/A](#)

FORMS/INSTRUCTIONS

- > [Request for Amendment of Health Information](#)
- > [Request for Notification of Amendment of Health Information](#)
- > [Sample Letter Accepting Individual's Request for Amendment of Health Information](#)
- > [Sample Letter Denying Individual's Request for Amendment of Health Information](#)
- > [Sample Letter Notifying Individual of Need for 30-Day Extension in Responding to Request for Amendment of Health Information](#)
- > [Sample Letter Responding to Individual's Statement of Disagreement for Denial of Amendment of Health Information](#)

OTHER RELATED INFORMATION

> N/A

CONTACTS

Privacy Officers

- > Davenport Clinics
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(563) 884-5567
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- > San Jose, Clinics
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- > Port Orange Clinics
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HISTORY

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