



Patient’s Right to Request an Amendment of their Protected Health Information Policy

Policy #:	HP011.1
Policy Type:	University
Responsible Executive:	VPAA
Responsible Office:	Academic Affairs
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Latest Revision:	November 8, 2023
Effective Date:	November 8, 2023

I. Policy Statement

The University of Louisiana at Monroe’s Patient’s Right to Request an Amendment of their Protected Health Information Official Policy states that all ULM health care facilities and providers must provide patients with a right of to request an amendment as required by the HIPAA Privacy Regulations. A patient’s request for an amendment should be handled in accordance with this policy and any applicable federal or state laws or regulations.

II. Purpose of Policy

To provide guidance to the health care facilities and providers affiliated with the ULM on a patient’s right to request an amendment to their Protected Health information as required by the Health Insurance Portability and Accountability Act, Standards for Privacy of Individually Identifiable Health Information (HIPAA Privacy Regulations), and any other applicable state or federal laws or regulations.

III. Applicability

This policy is applicable to all faculty and staff.

IV. Definitions

Protected Health Information (sometimes referred to as “PHI”) – for purposes of this policy means individually identifiable health information, that relates to the past, present or future health care services provided to an individual. Examples of Protected Health Information include medical and billing records of the patient.

Designated Record Set – is a group of records maintained by or for ULM that is:

- The medical records and billing records about individuals maintained by or for ULM; or
- Any records used, in whole or part, by or for ULM to make decisions about individuals.
- Any record that meets this definition of Designated Record Set and which is held by a HIPAA Business Associate of ULM or part of ULM ‘s Designated Record Set.
 - The term record means any item, collection, or grouping of information that includes PHI and is maintained, collected, used or disseminated by or for ULM.
 - The term record also includes patient information originated by another health care provider and used by ULM to make decisions about a patient.
 - The term record includes tracings, photographs, videotapes, digital and other images that may be recorded to document care of the patient.

Privacy Officer - person designated by ULM to be the Privacy Official and who is responsible for the development and implementation of the patient privacy policies and procedures.

V. Policy Procedure

1.0 Requests for Amendment.

1.1 Patients have the right to request an amendment to their Protected Health Information for as long as it is maintained in a Designated Record Set of ULM.

1.2 ULM may require a patient to make a request for an amendment to their Protected Health Information to be in writing and that this written request include a reason to support the amendment.

1.3 The Privacy Officer is the individual identified by ULM to be responsible for receiving and processing requests for an amendment.

2.0 Processing Requests for Amendments.

2.1 Upon receipt of the completed form for request for amendment, the designated individual shall review the request in consultation with any individual, including the patient's physician or person who created the record that [designated person] considers is necessary to decide whether to accept or deny the requested amendment in accordance with this policy.

2.2 If the requested amendment is accepted, it is the responsibility of [designated person] to process requests for amendment of patient's medical records.

2.3 If the requested amendment is accepted, it is the responsibility of [designated person] to process requests for amendment of patient's billing records.

2.4 ULM must act on the patient's request for an amendment no later than 60 days after receipt of such a request.

2.5 If ULM is unable to act on the request for amendment within the 60 day time limit, it may extend the time for such action by no more than 30 days, provided the patient or their personal representative is provided with a written statement of the reason for the delay and the date ULM will complete its action on the request. The time period to respond to a request may only extend the 60 day time limit for handling requested amendments for an additional 30 days.

3.0 Deciding on Whether to Grant a Requested Amendment.

ULM may deny a patient's requested amendment to their Protected Health Information, if ULM determines that the Protected Health Information that is the subject of the request:

3.1 Was not created by ULM, unless the patient provides reasonable basis to believe that the originator of the Protected Health Information is no longer available to act on the requested amendment;

3.2 Is not part of the Designated Record Set of ULM;

3.3 Would not be available for inspection under ULM's policy for a Patient's Right to Access and Inspect Their Own Protected Health Information; or

3.4 ULM considers the patient's Protected Health Information to be accurate and complete.

3.5 If the requested amendment is granted, then follow the section below on Granting Request for Amendment, and if the request is denied, then follow the section below on Denial of Requests for Amendment.

4.0 Granting Request for Amendment.

If a request for an amendment is accepted by ULM, then ULM must do the following:

4.1 Make the Amendment. The amendment should be made to the Protected Health Information or record that is the subject of the request for 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.

4.2 Inform the Patient. ULM must promptly inform the patient that the amendment is accepted and obtain the patient's identification of or an agreement to have ULM notify the relevant person with which the amendment needs to be shared as provided in this policy.

4.3 Informing Others. ULM must make reasonable efforts to inform and provide the amendment within a reasonable time to the persons identified by the patient as having protected Health Information about the patient and needing the amendment, and persons and HIPAA Business Associates that ULM knows have the Protected Health Information that is the subject of this amendment, or could foreseeably rely on such information to the detriment of the patient.

5.0 Denial of Request for Amendment.

5.1 If a request for an amendment is denied by ULM, then ULM must do the following:

5.1.1 Requests for amendment may be denied in whole or in part.

5.1.2 ULM must provide the patient or their personal representative a written denial within 60 days of the requested amendment.

5.2 Content of Written Denial Statement. A written denial statement from ULM must contain the following:

5.2.1 the basis of the denial;

5.2.2 a statement of the right of the patient or their personal representative to submit a written statement disagreeing with the denial and how the individual may file such a statement;

5.2.3 a statement that, if the individual does not submit a statement of disagreement, the individual may request that ULM provide the patient's request for amendment and the denial with any future disclosures of the Protected Health Information that is the subject of the amendment; and

5.2.4 a description of how the patient may complain to ULM pursuant to our Complaint Policy or to the Secretary of Health and Human Services and to file a complaint with (office/physician) regarding the denial. The description must include the name, or title, and telephone number of the contact person of ULM.

5.3 Rebuttal Statement. ULM may prepare a written rebuttal to the patient’s statement of disagreement. If a rebuttal is prepared, a copy must be provided to the individual who submitted the statement of disagreement.

6.0 Record Keeping.

ULM must identify the record or Protected Health Information in the Designated Record Set that is the subject of the denied amendment and link the individual’s requested amendment, the denial of the request, the individual’s statement of disagreement, and ULM’s rebuttal to the Designated Record Set.

7.0 Future Disclosures. If a statement of disagreement has been submitted, ULM must include the request for amendment, the ULM denial, the statement of disagreement, if any, and ULM rebuttal, if any, in any subsequent record request for that portion of the record to which the request for amendment pertains.

7.1 If a statement of disagreement was not submitted, ULM must include the request for amendment and ULM denial, or an accurate summary of such information, with any subsequent record request for that portion of the record to which the request for amendment pertains.

8.0 Notice of Amendment from Others. If ULM is informed by another health care provider of an amendment to an individual’s protected health information, ULM must amend the PHI in its Designated Record Set.

VI. Enforcement

The Vice President of Academic Affairs will be responsible for enforcement of this policy.

VII. Policy Management

The Vice President of Academic Affairs will be responsible for enforcement of this policy.

VIII. Exclusions

None

IX. Effective Date

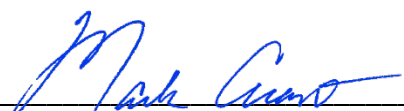
This policy is effective upon the date signed by the University President

X. Adoption

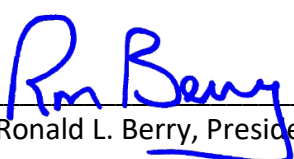
This policy is hereby adopted on this 8th day of November 2023.

Recommended for Approval by:

Approved by:



Dr. Mark Arant, VP for Academic Affairs



Dr. Ronald L. Berry, President

XI. Appendices, References and Related Materials

45 C.F.R. § 164.526

XII. Revision History

Original Adoption Date: November 8, 2023