

# TEXAS ASSOCIATION OF COUNTIES HEALTH AND EMPLOYEE BENEFITS POOL HIPAA POLICIES

## REQUESTS TO AMEND PROTECTED HEALTH INFORMATION

Effective Date: March 17, 2003

### POLICY

Participants have the right to request amendment of incorrect or incomplete Protected Health Information ("PHI") contained in the designated record set.

### PROCEDURE

- Requests to amend of PHI must be made in writing and must include a reason to amend the PHI.
- If the request for amendment is not received in writing, or if the written request does not include a reason in support of the request, HEBP will not act on the request.
- When a request to amend PHI is received, it will be acted on within sixty (60) days. A request for amendment that would, in fact, make the Participant's PHI more correct or complete will generally be granted.
- If necessary, the time frame for acting on a request may be extended for thirty (30) days. The individual requesting the amendment will be informed in writing of the reason(s) for the delay and the date by which action will be taken on the request. This notice will be provided within sixty (60) days of receipt of the original request.
- HEBP documents the titles of the persons or positions responsible for receiving and processing requests for amendment and retains such documentation for a period of six (6) years.

#### ***When a request for amendment is denied:***

- The participant is given a notice written in plain language that:
  - Includes a permissible basis for denial;
  - Informs the participant of the right to submit a statement of disagreement, and how to file the statement;

- States that if the participant does not file a statement of disagreement the participant may request that HEBP provide the request for amendment and the denial in any future release of the disputed PHI; and
- Includes a description of the procedure to file a complaint with either HEBP or U.S. Department of Health and Human Services (DHHS).
- If the individual chooses to write a statement of disagreement with the denial decision:
  - HEBP may write a rebuttal statement and will provide a copy to the participant; and
  - HEBP will include the request for amendment, denial letter, statement of disagreement, and rebuttal (if any), with any future disclosures of the disputed PHI.
- If the participant does not choose to write a statement of disagreement with the denial decision, HEBP is not required to include the request for amendment and denial decision letter with future disclosures of the disputed PHI unless requested by the participant.

***When a request for amendment is accepted (in whole or in part):***

- HEBP will identify the record(s) that are the subject of the amendment request and will append the amendment to the record(s).
- HEBP will inform the participant that his or her request for amendment has been accepted and request the identification of and permission to contact other individuals or health care entities that need to be informed of the amendment(s).
- HEBP will make reasonable efforts to provide the amendment within a reasonable time to the persons/entities identified by the participant as well as persons and Business Associates who the Health Plan knows have the disputed PHI and may rely on it to the participant's detriment.

***Receipt of notification of amendment from other Covered Entities:***

- When HEBP receives notification from another Covered Entity that a participant's PHI has been amended:
  - HEBP will ensure that the amendment is appended to all applicable records of the participant, and
  - HEBP will inform its Business Associates that may use or rely on the participant's PHI of the amendment and require them to make the necessary corrections.