



Individual's Access to (PHI)

Policy # 3.6

Requests to Amend Records

Original
Effective Date:

6/21/2016

Revised Date:

3/22/2022

Purpose: To ensure the right of an Individual to request that PHI in his or her medical record be amended.

Policy: Travis County allows Individuals to request amendments to their PHI in a Designated Record Set and responds to these requests within the timelines required by HIPAA. When Travis County receives notice that another Covered Entity has agreed to amend an Individual's record, Travis County Covered Components append the amendment to the Individual's designated record set or provide a link to the amendment within an electronic record set (ePHI).

Process:

Receiving Requests for Amendments from Individuals:

1. Covered Components or the HIPAA Compliance and Privacy Officer provide "[Request for Amendments to Protected Health Information](#)", to any individual who wishes to make such a request. The HIPAA Compliance and Privacy Officer or Privacy Liaison, **as applicable**, may assist the individual in completing the form.
2. The individual is instructed to submit the completed form to either the HIPAA Compliance and Privacy Officer or Privacy Liaison. If the form is submitted to the Privacy Liaison, the HIPAA Compliance and Privacy Officer must be provided a copy of the form for tracking purposes.

Reviewing the Amendment

1. The request will be referred to the Privacy Liaison or the HIPAA Compliance and Privacy Officer, depending on the status of the Covered Component that received the request (i.e., Commissioner Court or Non-Commissioners Court departments). The Privacy Liaison or HIPAA Compliance and Privacy Officer, **as applicable**, will work with appropriate Covered Component workforce members, and/or the Legal Counsel, to determine whether-or-not to accept an amendment **in whole or in part**.
2. The requested amendment will be evaluated by the appropriate workforce members against the denial criteria set forth below. If any of the denial criteria are met, the amendment may be denied. **If none of the denial criteria are met, the amendment must be accepted.**

Denial Criteria

- The PHI subject to the request is accurate and complete.
- The PHI subject to the request was not created by the Covered Component, and the creator of the PHI is still available.
- The PHI subject to the request is not part of a designated record set
- The PHI subject to the request is contained in psychotherapy notes.
- The PHI subject to the request would not be available for inspection under Policy entitled [“Rights to Access to PHI”](#) because it was compiled in anticipation of, or for use in a civil, criminal, or administrative action or proceeding.

Timeline:

1. Regardless of which Covered Component receives the request, ***the HIPAA Compliance and Privacy Officer is the Workforce Member responsible for enforcing deadlines.*** The time period to respond to a request for amendment is sixty (60) days after receipt of such request unless there is a specific reason why such timeframe cannot be met:
 - a. If the timeframe cannot be met: The HIPAA Compliance and Privacy Officer may approve one thirty (30) day extension upon receiving a reasonable explanation as to why.
 - b. The requesting Individual must be informed in writing of the extension, as well as the reason for the extension and the date by which the Covered Component will respond.

Accepting or Denying the Request for Amendment

1. ***ACCEPTING.*** If the amendment is accepted, the Privacy Liaison or HIPAA Compliance and Privacy Officer, as applicable:
 - a. Makes the appropriate amendment, either by appending the amendment to the applicable written record or providing a link to the location of the amendment for electronic records (ePHI); or arranges to have the necessary party make the amendment and;
 - b. Informs the requesting Individual of the determination in writing; and
 - c. Obtains the Individual’s agreement to notify such other persons as would need notice of the amendment; and
 - d. Makes reasonable efforts to inform and provide the amendment to persons identified by the Individual as needing the amendment; and
 - e. Makes reasonable efforts to inform and provide the amendment to persons, including Business Associates, that the Covered Component knows have the affected PHI and that may have relied, or could foreseeably rely, on such information to the detriment of the Individual.
2. ***DENYING.*** If the amendment is denied, the Privacy Liaison or HIPAA Compliance and Privacy Officer, as applicable, provides the Individual with a written denial in plain language that contains:
 - a. The basis for the denial
 - b. Information on the Individual’s right to submit a written statement disagreeing with the denial; and
 - c. A description of how the Individual may submit such written **statement of disagreement** with the

denial.

- d. A statement that the Individual may ask that the request for amendment be included with the PHI in future disclosures.
 - e. A description of how the Individual may complain to the Covered Component, the HIPAA Compliance and Privacy Officer, or to the Secretary of Health and Human Services, as outlined in the Notice of Privacy Practices.
 - f. The name and contact information, including phone number for the HIPAA Compliance and Privacy Officer must also be provided.
 - The Covered Component:
 - Includes the Individual's request for amendment with future disclosures of the PHI to which the request relates.
 - Includes Statements of Disagreement, **if any**, with future disclosures of the PHI to which the statement relates.
 - If the statement is long, the Covered Component may provide an accurate summary of the statement with the disclosure.
3. **Note on Future Disclosures.** When processing a HIPAA standard transaction (under [45 C.F.R. Part 162](#)), the information may be sent separately if it cannot be transmitted with the standard transaction.

Statements of Disagreement (for amendments that were denied):

Individuals who wish to make a statement of disagreement may do so in writing and may submit that statement to the HIPAA Compliance and Privacy Officer.

1. The HIPAA Compliance and Privacy Officer:
 - a. Consults with the Covered Component Workforce Members and/or the Legal Counsel's Office to determine whether-or-not a statement of rebuttal should be prepared.
 - If a rebuttal is prepared, a copy of the rebuttal is given to the Individual.
 - b. Append or otherwise link the following to the designated record or PHI that is the subject of the disputed amendment:
 - the Individual's request for an amendment; and/or
 - the denial of the request; and/or
 - the Individual's statement of disagreement; and/or
 - the Covered Component's rebuttal, **if any**.
2. **Document Retention:** The Travis County HIPAA Compliance and Privacy Officer maintains copies of all requests for amendment, and any forms related to this process for six **(6)** years.