SECTION 4: PATIENT RIGHTS

4.5. Request for Amendment of Records

POLICY

1. Principle: On the occasion that a University of Florida (UF) health record must be amended, the integrity of the protected health information (PHI) contained in the record must be maintained, for patient safety first, as well as to properly preserve the business and legal record of the organization. No individual entries may be altered, obliterated, removed, deleted, or destroyed.

2. Right to Request: Patients or personal representatives have the right to request that the University of Florida (UF) correct or amend protected health information (PHI) about the patient that is included in a designated record set.

3. Review of Requests: Although always available for consultation, the UF Privacy Office will generally only address extraordinary or disputed patient requests for amendments of health information that require special arrangements outside the normal course of business. Amendment requests for the following types of information or errors will generally be referred to the patient’s provider and/or clinic for correction:
   a. Incorrect demographic information, routine requests for updates to address or other demographic information, and incorrect billing information or financial statements.
   b. Incorrect information in patients’ clinical records where the author of the information agrees that the information is incorrect and is willing and able to correct it independently.

4. Privacy Office Review:
   a. The Privacy Office will receive Requests for Amendments directly from patients or their representatives, or by referral from UF clinics and clinical departments, from the UF Student Health Care Center and the Wellness and Counseling Center, as well as from Shands Healthcare.
   b. The Privacy Office will review formal written requests for amendments when the author of the documentation in question does not agree with the request to alter the record or in cases where the author is no longer available to act on an amendment request.

5. Timely Response:
   a. UF is not obligated to agree to requests for amendments, but will review all written requests and respond in writing no later than 60 days after receipt of such requests.
   b. When a patient or authorized representative requests an amendment of the patient’s personal health record, and the author of the documentation agrees with the request, the appropriate amendment should simply be completed by the author, using approved error-correction or other procedures, and without requiring the patient to complete a formal Request for Amendment form or referring the request to the Privacy Office.

6. Grounds for Denying a Request for Amendment:
   a. UF may deny a request for correction or amendment, if it determines that the protected health information or record:
i. Was not created by UF, unless the patient provides reasonable evidence that the originator of the PHI in question is no longer available to act on the request;

ii. Is not part of the UF designated record set;

iii. Would not be available for inspection under the right to access; or

iv. Is accurate and complete as documented.

7. Denial of Requests:
   a. If a request for amendment is denied, and the patient chooses to submit a written statement disagreeing with the denial, the statement will be included in the patient's health record.

b. UF reserves the right to reasonably limit the length of a statement of disagreement from the patient.

DEFINITIONS

1. **Addendum:** Entries added to a health record to provide additional information in conjunction with a previous entry. The addendum should be timely, bear the current date, time, and reason for the additional information being added to the health record.

2. **Amendment:** The formal and deliberate alteration of a health record, after the original documentation has been completed and signed by the provider, to make the original documentation more accurate. No individual entries may be altered, obliterated, removed or destroyed.

3. **Correction:** The formal and deliberate alteration or other modification of documentation to make it more accurate. In electronic records, corrections must be made as addendums; they may also involve removing information from one record and posting it to another within the electronic document management system.

4. **Deletion:** The action of permanently eliminating information that is not viewable in a paper record or tracked in a previous version of an electronic record. UF does not allow permanent deletions of clinical information from any health records.

PRIVACY REQUIREMENTS

1. **Patient's Right:** The covered entity (CE) must permit an individual to request that the CE amend the PHI maintained in the designated record set. The CE may require individuals to make requests for amendment in writing and to provide a reason to support a requested amendment, provided that it informs individuals in advance of such requirements.

2. **Timely action by the CE:** The CE must act on the individual's request for an amendment no later than 60 days after receipt of such a request.
   a. If the CE is unable to act on the amendment within the time required, the CE may extend the time for such action by no more than 30 days, provided that the CE provides the individual with a written statement of the reasons for the delay and the date by which the CE will complete its action on the request.
   b. If the covered entity (CE) grants the requested amendment, in whole or in part, it must:
      i. Make the appropriate amendment to the PHI or record that is the subject of the request;
      ii. Timely inform the individual that the amendment is accepted;
      iii. Make reasonable efforts to inform and provide the amendment to persons identified by the patient as having received PHI about the individual and needing the amendment.

PROCEDURES FOR STAFF

1. **Verify Identity and Authority:** Make reasonable efforts to verify the identity of a person requesting the amendment, and if not the patient, their relationship to the patient and authority to make the request. If a
patient or legal representative has documents to corroborate identity or authority, attach copies to the Request form.

2. Provide Assistance: Notify your supervisor of the request immediately. If directed to do so, assist the patient or representative to complete a Request for Amendment of a Medical Record form. Forward the completed Request form to your immediate supervisor.

3. Follow Up: After review, the request for amendment will either be denied or granted. Refer all questions about the grant or denial of an amendment request to your supervisor.

PROCEDURES FOR MANAGERS

1. Review the Request and Decide How to Act on It: Identify the scope of the request and the specific PHI affected; then determine what action should be taken and who will need to act on the request. Refer only extraordinary or disputed patient requests for amendments of health information, which will require special arrangements outside the normal course of business, to the Privacy Office.
   a. If a request for correction or amendment will be granted and carried out without referral to the Privacy Office, the original Request form with documented response may be filed/scanned into the patient's health record.
   b. If the clinic requests assistance from the Privacy Office, the request will be reviewed with a representative from the clinic or department, the attending practitioner, or the author of the original documentation (if available) to determine if the amendment is warranted.
      i. If, after review, the material in question is deemed accurate and correct, the Privacy Office will notify the patient or representative that the request has been denied and the reason(s).
      ii. If, after review, a correction or amendment is deemed reasonable and warranted, and an authorized individual is willing to add an addendum, follow the steps in #2 following:

2. Make Corrections: For corrections of original paper or electronic documentation, the author should use approved error-correction techniques to make the correction.
   a. If the author is no longer available, the patient's current provider may make a new entry to clarify an incorrect, ambiguous, or unclear entry. No completed entry may be altered or removed.
   b. If the correction is part of a transcribed report, add a note to the electronic report to indicate that a correction has been made. (Contact UF Health Shands HIM as needed to obtain the procedure for noting corrections in dictated reports.)

3. Make an Amendment: For adding new material to the health record, a supervisor or other designated person should add the additional material to or near the part of the paper record that is affected or scan/upload additional material into the electronic record. Mark the amendment in such a way that it will accompany any future disclosures of the PHI that was amended.

4. Document the Response to a Request:
   a. If a request for amendment is granted, document the response on the lower part of the original Request for Amendment form. Either the department manager or the Privacy Office will then:
      i. Notify the patient or representative of the terms of the granted request;
      ii. Make reasonable efforts to provide the amendment to persons identified by the requestor.
   b. If a request for amendment or correction is denied:
i. Either the department manager or the Privacy Office will notify the patient or representative of the reason(s) for the denial in a letter.

ii. Place a copy of the letter in the patient’s record. Send originals to the Privacy Office.

5. Future Disclosures:
   a. Include the patient's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI if the patient has requested such action.
   b. Include all written statements of disagreement and subsequent rebuttals, or, at UF's election, an accurate summary of any such information, with any disclosure of the PHI to which the disagreement relates.

6. Corrections/Amendments from Other Providers: If another provider notifies UF of an amendment to a patient's PHI, UF must amend the PHI in appropriate designated record sets it possesses.

**PRIVACY OFFICE PROCEDURES**

1. Privacy Office Role:
   a. Review requests for amendment with a representative from the appropriate clinic or department, or with the author of the original documentation; discuss any problems or conditions of the requested amendment and work out a solution. Document the final decision regarding the request on the correct UF Privacy Office form or in a letter to the requestor.
   b. Granting a Request: If the requested amendment is determined to be warranted, document the decision on the correct UF Privacy Office form or in a letter to the requestor, as necessary.
      - If the original author of the material needing correction is no longer available, a correctly documented and identified entry may be made by, and at the discretion of, the patient's current provider to clarify or amend the incorrect information. No entry may be deleted, removed, or destroyed.
      - For amendments (adding new material to the health record), notify a supervisor or other designated person to insert the amendment materials at or near the part of the designated record set that is affected, or provide a link (by whatever method is most appropriate) to the location of the amendment.
      - Make reasonable efforts to inform, and to provide the amendment to, persons identified by the patient as needing the new material.
   c. Denying a Request: If the request for amendment is denied, document the reason(s) for the denial in a letter, as necessary, to notify the patient or representative of the decision. Include the following in the Notification:
      - The basis for the denial.
      - Notification of the individual’s right to submit a written statement disagreeing with the denial and procedures for filing such a statement.
      - A statement that if a statement of disagreement is not submitted, the individual may request that the individual’s Request for Amendment and the University’s Denial of Request be included with any future disclosure of the PHI that is the subject of the amendment.
• A description of how the individual may file a complaint with the UF Privacy Office or the Secretary of Health and Human Services pursuant to HIPAA regulations.

2. Problems with Response: If the request for amendment cannot be completed timely for any reason, document the reason(s) for the delayed or incomplete action. Notify the patient concerning the delay, or delegate this duty to a clinic manager or supervisor.

3. Patient’s Response: If, after a request for amendment is denied, the patient submits a written statement disagreeing with the denial, file the statement with the original Request and Response forms. Send a copy of the statement to the appropriate patient care area to be filed/scanned into the patient’s record.
   a. Prepare a written rebuttal, if necessary and appropriate, to the patient’s statement of disagreement and file it with the patient’s statement. Send a copy of the rebuttal to the patient who submitted the statement of disagreement; also have a copy of the rebuttal filed in the patient’s health record.
   b. Instruct the appropriate clinic to append or otherwise link the patient’s request for an amendment, UF’s denial of the request, the patient’s statement of disagreement, if any, and UF’s rebuttal, if any, to the designated record set.
   c. Also instruct the appropriate clinic that future disclosures of the patient’s PHI must:
      • Include the patient’s original request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the affected PHI, only if the patient has requested such action.
      • Include all statements of disagreement and rebuttals, or an accurate summary of any such information, with any subsequent disclosure of the PHI to which the disagreement relates.

4. Amendments from Other Providers: If another provider informs UF of an amendment to a patient’s PHI, notify the appropriate patient care area to amend the affected PHI in the patient’s record.

5. Documentation: All documentation concerning requests for amendment should be maintained for at least six years. File all original forms and letters in the Privacy Office. Send copies of forms and letters to the appropriate patient care areas to be filed/scanned into the patient’s record. Send copies of the Request for Amendment and/or the response letter to the requestor.

REFERENCES
1. HIPAA: 45 CFR §164.501 Definitions; §164.526 Amendment of Protected Health Information

EXHIBITS
1. UF Privacy Patient Rights Form Request for Amendment of PHI at, http://privacy.ufl.edu/uf-health-privacy/forms/.