

Texas Tech University Health Sciences Center El Paso HIPAA Privacy Policy

Policy: HPP 7.3	Effective Date: May 1, 2015
Right to Amend PHI	Last Revision Date: January 23, 2024
References: 45 CFR §164.526; https://www.hhs.gov/ocr/index.html	

Policy Statement

Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) recognizes that individual rights are a critical aspect of maintaining quality care and service and is committed to allowing individuals to exercise rights under 45 CFR §164.524 and other applicable federal, state, and/or local laws and regulations. To support this commitment, TTUHSC El Paso will maintain and update, as appropriate, written policies and procedures to guide employee and organizational responsibilities regarding the rights of individuals to request an amendment of their protected health information (PHI) that is maintained in a designated record set in a timely and professional manner.

Scope

This policy applies to all health care clinical service areas owned and/or operated by TTUHSC El Paso.

Policy

The procedure for requesting an amendment to PHI is outlined below.

Individual requests for amendment of PHI shall be made in writing using a “Request to Amend PHI” form to the Medical Record Department and identify the information to be amended and the reasons for the amendment.

Requests will be denied if the material requested to be amended involves any of the following:

- a) Was not created by TTUHSC El Paso unless the originator is no longer available to act on the requested amendment;
- b) Is not part of the individual’s health record/designated record set
- c) Is not accessible to the individual because federal and state law does not permit it; or
- d) Is accurate and complete, as determined in the TTUHSC El Paso’s sole discretion.

TTUHSC El Paso will act on the individual’s request for amendment no later than 60 days after receipt of the request. TTUHSC El Paso will have a one-time extension of 30 days for processing the amendment if the individual is given a written statement of the reason for the delay and the date the amendment request will be processed.

Request for Amendment Granted. If the request to amend is granted, after review and approval of the individual responsible for the entry to be amended, TTUHSC El Paso will do all of the following:

- a) Insert the amendment or provide a link or reference to the amendment at the site of the information that is the subject of the request for amendment;
- b) Inform the individual that the amendment is accepted;
- c) Obtain the individual’s identification and agreement to have TTUHSC El Paso notify the relevant persons with whom the amendment needs to be shared; and

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- d) Within a reasonable timeframe, make reasonable efforts to provide the amendment to persons identified by the individual, and persons, including Business Associates that TTUHSC El Paso Knows, has the PHI that is the subject of the amendment and who may have relied on or could likely rely on the information to the detriment of the individual.

Request for Amendment Denied. If the request is denied, TTUHSC El Paso will provide the individual with a timely, written denial in plain language that contains all of the following:

- a) The basis for the denial;
- b) The individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement.
- c) A statement that if the individual does not submit a statement of disagreement, the individual may request that TTUHSC El Paso provide the individual's request for amendment and the denial with any future disclosures of the PHI that was the subject of the request;
- d) A description of how the individual may complain to TTUHSC El Paso or the Secretary of Health and Human Services and
- e) The name or title, and the telephone number of the designated contact person who handles complaints for TTUHSC El Paso.

Individual's Disagreement. TTUHSC El Paso will permit the individual to submit to TTUHSC El Paso a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement.

TTUHSC El Paso's Rebuttal. TTUHSC El Paso may prepare a written rebuttal to the individual's statement of disagreement, and TTUHSC El Paso will provide a copy to the individual who submitted the statement of disagreement.

Appendage. TTUHSC El Paso will, as appropriate, identify the record of PHI that is the subject of the disputed amendment and append or otherwise link or reference the individual's request for amendment, TTUHSC El Paso's denial of the request, the individual's statement of disagreement, if any, and TTUHSC El Paso's rebuttal, if any.

If the individual has submitted the statement of disagreement, TTUHSC El Paso will include the material appended or an accurate summary of such information with any subsequent disclosure of the PHI to which the disagreement relates.

If the individual has not submitted a written statement of disagreement, TTUHSC El Paso will include the individual's request for amendment and denial, or an accurate summary of each information, with any subsequent disclosure of PHI only if the individual has requested such action.

When a subsequent disclosure is made using a standard transaction that does not permit the additional material to be included, TTUHSC El Paso will separately transmit the required material.

If another covered entity informs TTUHSC El Paso of an amendment to an individual's PHI, it will amend the PHI in written and/or electronic form and inform its Business Associates that will use or rely on the individual's PHI of the amendment.

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This policy and procedure will be documented and retained for six years from the date of its creation or the date when it last was in effect, whichever is later.

Knowledge of a violation or potential violation of this policy must be reported directly to the Institutional Privacy Officer or the Fraud and Misconduct Hotline at (866) 294-9352 or www.ethicspoint.com under Texas Tech University System.

Frequency of Review

This Policy will be reviewed on each-numbered year (ENY) by the Institutional Privacy Officer, and the HIPAA Privacy and Security Committee, but may be amended or terminated at any time.

Questions regarding this policy may be addressed to the Institutional Privacy Officer or the Institutional Compliance Officer.

Review Date: January 18, 2024

Revision Date: November 21, 2017, November 17, 2020, September 20, 2022,
January 23, 2024