

## URI HIPAA PRIVACY POLICY # 32

<b>Title:</b>	<b>AMENDMENT OF PHI</b>	<b>Purpose &amp; Background</b>	<b>See Memo Entitled "HIPAA at URI: Introduction to HIPAA and an Overview of HIPAA Implementation at URI" available online at the URI HIPAA website</b>
<b>Originator (Responsible Department/ Unit):</b>	<b>URI HIPAA Compliance Oversight Committee</b>	<b>Effective Date:</b>	<b>05/22/2018</b>
<b>Applies to:</b>	<b>All URI Departments and Units Designated as HIPAA "Covered Components" and "Business Associate Components"</b>	<b>Revised Date(s):</b>	

### POLICY:

#### I. Right to Amend

An individual has the right to have a Covered Component correct, clarify and amend PHI about an individual in a Designated Record Set for as long as the PHI is maintained in the Designated Record Set.

#### II. Requests for Correction, Clarification or Amendment and Timely Action

**A. Request for Amendment** - The Covered Component must permit an individual to request that the Covered Component correct, clarify or amend the PHI maintained in the Designated Record Set. The Covered Component should require that such requests be in writing and must inform individuals of this requirement.

**B. Timely Action by the Covered Component** - The Covered Component must act on a request for correction, clarification or amendment no later than 60 days after receipt of the request, as follows:

1. If it adds the correction, clarification or amendment, in whole or in part, it must take the actions required by section III below.
2. If it is unable to act within the time required, the Covered Component may extend the time for such action by no more than 30 days, provided that it provides a written statement to the individual within the original time limit stating the reasons for the delay and the date by which it will complete its action, and the Covered Component may have only one such extension.

**III. Adding the Correction, Clarification or Amendment** - If an individual requests a correction, clarification or amendment, the Covered Component must comply with the following requirements:

**A. Adding the Correction, Clarification or Amendment** - The Covered Component must add the appropriate correction, clarification or amendment to the PHI by identifying the records affected by the correction, clarification or amendment and appending or otherwise linking to the correction, clarification or amendment. Such correction, clarification or amendment must be retained with the PHI. Nothing shall be

deleted from the PHI as part of this process; however, PHI may be corrected, clarified or amended.

**B. Informing the Individual** - The Covered Component must timely inform the individual that the correction, clarification or amendment has been added and obtain the individual's identification of and written authorization to have the Covered Component notify the relevant persons to whom the correction, clarification or amendment needs to be disclosed.

**C. Informing Others** - The Covered Component must make reasonable efforts to inform and provide the correction, clarification or amendment within a reasonable time to:

1. Persons identified by the individual as having received the PHI and needing the correction, clarification or amendment; and
2. Persons, including business associates, that the Covered Component knows have the PHI that is the subject of the correction, clarification or amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the individual.

#### **IV. Response to the Correction, Clarification or Amendment**

If the Covered Component wishes to add information to the PHI to respond to the requested correction, clarification or amendment, in whole or in part, the Covered Component must consult with the Privacy Official and University Counsel in all such circumstances and also comply with the following requirements.

**A. Response** - The Covered Component may add information to the PHI to respond to the submitted correction, clarification or amendment. The Covered Component must provide a copy of any such information to the individual.

**B. Statement of Disagreement** - The Covered Component must permit the individual to submit a written statement disagreeing with the Covered Component's added information and stating the basis of such disagreement. The Covered Component may reasonably limit the length of a statement of disagreement.

**C. Rebuttal Statement** - The Covered Component may, at its option, prepare a written rebuttal to the statement of disagreement. Whenever a rebuttal is prepared and added to the PHI, a copy must be provided to the individual.

**D. Record-keeping** - The Covered Component must, as appropriate, identify the record of PHI that is the subject of the disputed correction, clarification or amendment and append or otherwise link the request, the correction, clarification or amendment, the response, the statement of disagreement and the rebuttal to the record.

#### **E. Future Disclosures**

1. If a correction, clarification or amendment has been submitted, the Covered Component must include all of the information appended to the record, or any accurate summary of such information, with any subsequent disclosure of the PHI to which the correction, clarification or amendment relates.
2. When a subsequent disclosure is made using a standard transaction that does not permit the additional material to be included with the disclosure, the Covered Component may separately transmit the material required to be sent, to the recipient of the standard transaction.

#### **V. Actions on Notices of Correction, Clarification or Amendment**

A Covered Component that is informed by another Covered Entity of a correction, clarification or amendment to an individual's PHI, must correct, clarify or amend the PHI in Designated Record Sets.

## **VI. Documentation**

A Covered Component must document the titles of the persons or offices responsible for receiving and processing requests for corrections, clarifications or amendments by individuals and retain the documentation as required by the URI HIPAA Documentation Policy and the Privacy Rule.