GEORGIA DEPARTMENT OF COMMUNITY HEALTH	Policy Number: 902 Effective Date: April 14, 2003 Revision Date:
Privacy Policy	**Amending Protected Health Information**
Originating Work Unit: **Privacy Office**	**Category:** **Legal Compliance**

SCOPE:

This policy applies to all DCH employees who perform duties in conjunction with the access, distribution, dissemination, modification, and management of protected health information.

POLICY:

It is DCH's policy to ensure compliance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule by establishing a process for an individual to request an amendment of his/her protected health information (PHI) as created or maintained by the Department.

REPORTING VIOLATIONS:

Violation of this or any other DCH Privacy Policy is to be communicated to the Privacy Officer.

LEGAL AUTHORITY:

45 CFR 164.526 Amendment of Protected Health Information

SANCTIONS:

See DCH Sanctions Policy and Procedure.

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Privacy Procedure	Amending Protected Health Information
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PURPOSE

An individual has the right to request DCH amend PHI or a record about him/her in a designated record set used in whole or in part to make decisions about the individual, for as long as DCH maintains the PHI in the designated record set. This procedure describes the method for DCH employees to allow individuals to request amendments to their PHI maintained by the Department.

PROCEDURE:

DCH may deny an individual's request for amendment, if it determines the PHI or record that is the subject of the request:

a. Was not created by DCH, unless the individual provides a reasonable basis to believe that the originator of the PHI is no longer available to act on the requested amendment;
b. Is for information that is not part of the designated record set;
c. Would not be available for inspection under Individual Access (§ 164.524(a)(2) or (3); or
d. Is accurate and complete.

DCH must permit an individual to request the Department amend PHI maintained in the designated record set.

DCH may require individuals to make requests for amendment in writing, and to provide a reason to support a requested amendment, provided it informs individuals in advance of such requirements.

DCH must act on the individual's request for amendment no later than 60 days after receipt of the request, as follows:

a. Accepting the amendment: If DCH accepts the amendment, in whole or in part, it must:
    1) Make the appropriate amendment to the PHI or record that is the subject of the request for amendment by, at a minimum, identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.

2) Timely inform the individual that the amendment is accepted and obtain the individual's identification of and agreement to have DCH notify the relevant persons with which the amendment needs to be shared as set forth below
3) Make reasonable efforts to inform and provide the amendment within a reasonable time to persons identified by the individual as having received PHI about the individual and needing the amendment; and business associates that DCH knows may have the PHI that is the subject of the amendment and who may have relied on such information to the detriment of the individual.

b. Denying the amendment: If DCH denies the requested amendment, in whole or in part, it must comply with the following:
   1) Provide the individual with a timely, written denial, written in plain language and containing
      - The basis for the denial,
      - The individual's right to submit a written statement disagreeing with the denial and how the individual might file such a statement
      - A statement that, if the individual does not submit a written statement of disagreement, the individual may request DCH provide his/her request for amendment and the denial with any future disclosures of the PHI that is the subject of the amendment
      - A description of how the individual may complain to DCH or to the Secretary of DHHS, including name, or title, and telephone number of the contact office or person designated to receive complaints.
   2) DCH must permit the individual to submit to DCH a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such a disagreement. DCH may reasonably limit the length of the statement.
   3) DCH may prepare a written rebuttal to the individual's statement of disagreement. Whenever such a statement is prepared, DCH must provide a copy to the individual who submitted the statement of disagreement.
   4) DCH must, as appropriate, identify the record or the PHI in the designated record set that is the subject of the disputed amendment and append or otherwise link the individual's request for amendment DCH's denial of the request, the individual's statement of disagreement, if any, and DCH's rebuttal, if any, to the designated record set.
   5) Future disclosures
      - If the individual has submitted a statement of disagreement, DCH must include the written disagreement appended in accordance with #4 above, or an accurate summary of the information in #4 above, with any subsequent disclosure of the PHI to which the disagreement relates.
      - If the individual has not submitted a written statement of disagreement, DCH must include the individual's request for

amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI only if the individual has requested such action.

- When subsequent disclosure described above is made using a standard transaction under part 162 of this subchapter that does not permit the additional material to be included, DCH may separately transmit the material required by the Amending PHI Policy to the individual of the standard transaction.

If DCH is notified by another covered entity of an amendment to an individual's PHI, it must amend the designated record sets accordingly.

DCH must document the titles of persons or offices responsible for receiving and processing requests for amendments by individuals.

DCH must retain all documentation for 6 years.

REPORTING VIOLATIONS:

Violations should be reported to the DCH Privacy Officer.

LEGAL AUTHORITY:

45 CFR §164.526 Amending Protected Health Information

SANCTIONS:

See DCH Sanctions Policy and Procedure.