

Stark County Board of Developmental Disabilities

HIPAA Procedure 10: HIPAA Request for Amendment to Records	Effective: 4/14/2003
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Subject: HIPAA Request for Amendment to Records

Individuals served, legal guardian, or parent or legal guardian of an individual under the age of eighteen (hereinafter referred to as "Individual Served"), have the right to request an amendment to the individual's Protected Health Information (PHI) that is maintained in a designated record set, that being the medical record, billing records, and any other records that are used to make healthcare decisions. The request to amend the PHI must be made in writing on form [HIPAA-5, "Request for Amendment."](#)

The completed HIPAA-5 Form received by the Privacy Officer will be routed to the appropriate Compliance Committee Member. The applicable Compliance Committee Member is responsible for overseeing the request and its proper response.

The denial of a request for amendment may be made for limited reasons, including, but not limited to, the fact that the Board was not the creator of the information (excepting if the Individual Served believes that the originator of the PHI is no longer available, and provides the Board with a reasonable basis for this belief, the request must be addressed as though the Board was the originator of the PHI at issue), or the information is accurate and complete. The request may also be denied if the PHI is not part of a designated record set or if the PHI would not be accessible by the Individual Served for inspection or copying.

The applicable Compliance Committee Member may review requests for amendment with the Privacy Officer.

Requests for amendment must be acted upon within sixty (60) days of receipt of the request. During the 60-day period, the applicable Compliance Committee Member must inform the Individual Served in writing as to whether the request will be either accepted or denied, in whole or in part. If more time is required to determine whether or not to accept or deny the request, the applicable Compliance Committee Member may extend the deadline one time for up to thirty (30) days by informing the Individual Served in writing within the initial sixty (60) day time period of the reason for the delay and the date on which the Board will make a determination regarding the request.

If denied, the Individual Served must be provided with a clearly written statement of the denial. The statement must be in plain language and easily understandable and include the basis for the denial, information as to how to make a complaint to both the Board and to the Office of Civil Rights, and also include information regarding the right of the Individual Served to file a Statement of Disagreement. If the Individual Served prepares a Statement of Disagreement, the Board has the right to prepare a written rebuttal to the Individual Served.

Also see [HIPAA Procedure 13, Complaints of Violation of HIPAA Privacy Rights](#). If the Individual Served so chooses, he/she may file [a Future Disclosures Form, HIPAA-6](#), instead of a Statement of Disagreement. The forms for filing a Statement of Disagreement or Future

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Disclosure will be supplied to the Individual Served with the written denial of the request of an Amendment.

If the Case Record Administrator receives either a [Statement of Disagreement \(HIPAA-7\)](#) or a Future Disclosures Form (HIPAA-6), the form must be routed to the appropriate Compliance Committee Member as directed on the Form. The applicable Compliance Committee Member is responsible for assuring that the appropriate information regarding the Request for Amendment is furnished with all future disclosures of the affected PHI.

If the Request for Amendment is accepted, the applicable Compliance Committee Member must make the appropriate amendment to the PHI by identifying the part or records in the designated record set that are affected, and either appending or providing a link to the location of the amendment(s). The applicable Compliance Committee Member must also inform the Individual Served in writing that the Request for Amendment has been accepted within the time frame enumerated above.

The applicable Compliance Committee Member must make reasonable efforts to provide a copy of the amendment to:

1. Any person or entity that the Individual Served identifies as having received the PHI and needing the amended information; and
2. Any person or entities, including Business Associates, that the Board knows has the unamended information and who may rely upon the information to the detriment of the Individual Served.

In those instances where part of a Request for Amendment is accepted and part is denied, both procedures outlined above will be followed with a clear delineation of those parts accepted and those denied.

In those instances where more than one record set is affected, the Privacy Officer is responsible for coordinating the response with the appropriate Compliance Committee Members.

Applies to: Yes No All Employees X Non Represented SCEPTA SCDD SSA See Current Bargaining Agreement	Historical Resolution Information Policy 16.6 HIPAA <table style="width: 100%;"> <tr> <td style="width: 50%;">Date</td> <td style="width: 50%;">Resolution Number</td> </tr> <tr> <td>1/19/13</td> <td>01-09-13</td> </tr> </table>	Date	Resolution Number	1/19/13	01-09-13
Date	Resolution Number				
1/19/13	01-09-13				
Superintendent's Signature:	Procedure Revision 6-7-12 Reviewer(s): Privacy Officer Security Officer				