

PLUMAS COUNTY, CALIFORNIA



HIPAA RELATED POLICIES AND PROCEDURES

EFFECTIVE APRIL 14, 2003

INDIVIDUAL RIGHT TO REQUEST AMENDMENT TO PROTECTED HEALTH INFORMATION

Policy:

Plumas County will allow an individual to request an amendment to their protected health information.

Purpose:

Except under specified circumstances, an individual has the right to amend their protected health information in a designated record set.

Responsibilities:

Individuals must submit their requests in writing.

The County may deny an individual's request if it determines that the protected health information or record that is the subject of the request:

- Was not created by the County unless the individual provides a reasonable basis to believe that the originator is no longer available to act on the requested amendment;
- Is for information that is not part of the designated record set;
- Would not be available for inspection under 45 CFR 164.524(a)(2) or (3); or

The County must keep the individual informed of their decision regarding the requested amendment.

Process:

Request: Requests must be made in writing and provide a reason supporting the request.

Time for Response: The County will accept or deny the request for amendment no later than 60 days after receiving the written request. If unable to act within the required time, The County may extend the time by no more than 30 days, provided it furnishes the individual with a written statement of the reasons for the delay and a date by which it will complete its action on the request within the original 60 day time period.

Acceptance of Amendment: The County will:

- Make the amendment or identify all records that are affected by the amendment and append or otherwise provide a link to the location of the amendment.
- Inform the individual of acceptance of the amendment.
- Request the individual to identify and agree to have the County notify others with whom the amendment needs to be shared.
- Make reasonable efforts to provide the amendment within a reasonable time to others identified by the individual and known by the County to have the protected health information that is the subject of the amendment.

Denial of Amendment: The County will:

- Provide the individual with a timely, written denial. The notification must use plain language and contain:
 1. The basis for the denial;
 2. The individual's right to submit a written statement disagreeing with the denial;
 3. An explanation of how the individual may file such a statement;
 4. Notification that, if a statement of disagreement is not submitted, the individual may request that the County include the individual's request for amendment and the denial with any future disclosures of the protected health information;
 5. A description of how the individual may file a complaint with the County or with the Secretary of the U.S. Department of Health and Human Services.
- Accept a written statement disagreeing with the denial and giving the basis for disagreement, from the individual. The County may reasonably limit the length of the statement of disagreement. The County may prepare a written rebuttal to the statement of disagreement which it must provide to the individual.
- Include the individual's request for amendment, the denial of the request, the individual's statement of disagreement, if any, and the County's rebuttal, if any, with the protected health information.

Future Disclosures: The County will include the individual's statement of disagreement or an accurate summary, with any future disclosure of the protected health information to which the disagreement relates. If the individual does not submit a statement of disagreement but specifically asks that the request and denial be included with future disclosures, the County will comply.

Should the County be informed by another covered entity of an amendment to an individual's protected health information (PHI), the County must amend the PHI in designated record sets.

Date issued: April 14, 2003

Last revision date: July 28, 2004

Reference: 45 CFR 164.524(a)(2) &(3), 45 CFR 164.526, and 45 CFR 164.530(j); CA Health & Safety Code § 123111

