

	<b>Ethics &amp; Compliance Department</b>	
	<b>Policy No.: 30</b>	<b>Created:</b> 01/2018
		<b>Reviewed:</b> 09/2024
	<b>Revised:</b>	

## **HIPAA: AMENDMENT OF RECORD**

### **SCOPE:**

All Envision Healthcare teammates. For purposes of this policy, all references to “teammate” or “teammates” include temporary, part-time and full-time employees, independent contractors, clinicians, officers and directors.

### **PURPOSE:**

Envision Healthcare Operating, Inc. and its subsidiaries and affiliates (“Envision” or “the Company”) has adopted this Amendment of Record policy to identify the patient’s right to amend his/her medical record.

### **POLICY:**

A patient has the right to have PHI or a record about the patient in a designated record set amended for as long as the PHI is maintained in the designated record set (*See* form “Patient Request for Amendment of Health Information” attached below).

- A) If the Company grants the requested amendment, the Company must act on the patient’s request for an amendment no later than sixty (60) days after receipt of such a request.
- B) If the Company is unable to take an action on the patient’s request within the time required, the Privacy Official may extend the time by no more than thirty (30) days, provided that the Privacy Official, within sixty (60) days of receipt of a request, provides the patient with a written statement of the reasons for the delay and the date by which the Company will complete its action on the request. The Company may have only one such extension of time for action on a request for amendment.
- C) If the Company grants the requested amendment, the Company will make the appropriate amendment by 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. The Company will inform the patient that the amendment is accepted. With the patient’s agreement, the Company will notify the relevant persons with which the amendment needs to be shared. Relevant persons include persons identified by the patient as having received PHI about the patient and needing the amendment, and persons, including business associates, that the Company knows have the PHI that is the subject of the amendment and that may have relied, or could rely, on such information to the detriment of the patient.
- D) If informed by another health care provider or another agency of an amendment to a patient’s PHI, the Company will amend the PHI in designated record sets.

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- E) The Company will document the titles of the persons or offices responsible for receiving and processing requests for amendment by patients. All documentation, including requests and denials, will be retained for six (6) years from the date of document creation or the date it last was in effect, whichever is last.

### **Denial of Request**

- A) The Company may deny a patient’s request for amendment if it determines that the PHI or record that is the subject of the request:
- (1) Was not created by the Company, unless the patient provides a reasonable basis to believe that the originator of PHI is no longer available to act on the requested amendment;
  - (2) Is not part of the designated record set;
  - (3) Is accurate and complete.
- B) If the Company denies a patient’s request for amendment, the Company must provide the patient with a written denial within sixty (60) days of the date the request is received. The Privacy Official will provide the patient with the written denial. The denial must be written in plain language and contain:
- (1) The basis for the denial;
  - (2) The patient’s right to submit a written statement disagreeing with the denial and how the patient may file such a statement;
  - (3) A statement that, if the patient does not submit a statement of disagreement, the patient may request that the Company provide the patient’s request for amendment and the denial with any future disclosures of the PHI that is the subject of the amendment; and
  - (4) A description of how the patient may complain to the Company or to the Secretary of the U.S. Department of Health and Human Services for failure to comply with the patient’s request. The description must include the name or title and telephone number of a contact person or office related to privacy and security.
- C) If the Company is unable to provide a written denial within the time required, the Privacy Official may extend the time by no more than thirty (30) days, provided that the Privacy Official, within sixty (60) days of receipt of a request, provides the patient with a written

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statement of the reasons for the delay and the date by which the Company will complete its action. The Company may have only one such extension of time for action on a request for amendment.

- D) The Company permits the patient to submit to the Privacy Official a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. The Company may reasonably limit the length of a statement of disagreement.
- E) The Company may prepare a written rebuttal to the patient’s statement of disagreement. Whenever such a rebuttal is prepared, the Privacy Official will provide a copy to the patient who submitted the statement of disagreement.
- F) The Company will, as appropriate, identify the record or PHI in the designated record set that is the subject of the disputed amendment and append or otherwise link the patient’s request for an amendment, the Company’s denial of the request, the patient’s statement of disagreement, if any, and the Company’s rebuttal, if any, to the designated record set (document or transaction).
- G) If a statement of disagreement has been submitted by the patient, the Company must include the material appended or, at the election of the Company, an accurate summary of any such information, with any subsequent disclosure of the PHI to which the disagreement relates.
- H) If the patient has not submitted a written statement of disagreement, the Company will, upon request of the patient in writing, include the request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI. When a subsequent disclosure is made using a standard transaction (as defined by the HIPAA Transaction Rules) that does not permit the additional material to be included with the disclosure, the Company may separately transmit the request for amendment and its denial, or summary of such information, to the recipient of the standard transaction.

**POLICY REVIEW**

The Ethics & Compliance Department will review and update this Policy, when necessary, in the normal course of its review of the Company’s Ethics & Compliance Program.



**PATIENT REQUEST FOR AMENDMENT OF HEALTH INFORMATION**

Patient Name: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Patient Account Number: \_\_\_\_\_

Date of Service: \_\_\_\_\_

Patient Address: \_\_\_\_\_

\_\_\_\_\_

Date of entry to be amended: \_\_\_\_\_

Type of entry to be amended: \_\_\_\_\_

Please explain how the entry is incorrect or incomplete. What should the entry say to be more accurate or complete?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Patient or Legal Representative

Date

Relationship of Legal Representative

.....

***For Healthcare Organization Use Only:***

Date Received: \_\_\_\_\_ Amendment has been:  Accepted  Denied

If denied, check reason for denial:

- PHI was not created by this organization
- PHI is not available to the patient for inspection as required by federal law (e.g. psychotherapy notes)
- PHI is not part of patient's designated record set
- PHI is accurate and complete