

**ADAMH BOARD OF FRANKLIN COUNTY
HIPAA Privacy Policy H.01.120**

AMENDMENT OF PROTECTED HEALTH INFORMATION

A. PURPOSE STATEMENT

The purpose of this policy is to issue instructions related to a consumer's right to have ADAMH amend protected health information in a designated record set.¹

B. SCOPE

This policy applies to all ADAMH workforce members, including Board of Trustees members, employees, volunteers, trainees, and other persons whose conduct, in the performance of work for ADAMH, is under the direct control of ADAMH, regardless of whether they are paid by ADAMH.

C. POLICY STATEMENT

1. Right to Amend Protected Health Information
 - a. Right to Amend
 - i. An individual has the right to have ADAMH amend protected health information or a record about the individual in the designated record set for as long as the protected health information is maintained in the designated record set.
 - ii. Denial of Amendment
 - (a) ADAMH may deny an individual's request for amendment, if it determines that the protected health information or record that is subject of the request:
 - (1) Was not created by ADAMH, unless the individual provides a reasonable basis to believe that the originator of the records is no longer available to act on the request;
 - (2) Is not part of the designated record set;
 - (3) Would not be available for inspection; or
 - (4) Is accurate or complete.
 - b. Requests for Amendment and Timely Action
 - i. ADAMH must permit an individual to request that ADAMH amend the protected health information maintained in the designated record set. ADAMH may require individuals to make requests for amendment in writing and to provide a reason to support a requested amendment, provided that it informs individuals in advance of such requirements.
 - ii. ADAMH must act on the individual's request for an amendment no later than 60 days after receipt of such a request, as follows:
 - (a) If ADAMH grants the requested amendment, it must make the amendment and inform the individual;
 - (b) If ADAMH denies the requested amendment, in whole or in part, it must provide the individual with a written denial.
 - c. Accepting the Amendment
 - i. If ADAMH accepts the amendment, in whole or in part, it must:

¹ CFR Title 45, Section 164.526 Amendment of Protected Health Information

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- (a) Make the amendment by, at minimum, identifying the affected records and appending or otherwise providing a link to the location of the amendment;
 - (b) Inform the individual that the amendment is accepted and obtain his or her identification of and agreement to have ADAMH notify relevant persons with a need to know in a timely manner;
 - (c) Make timely and reasonable efforts to inform and provide the amendment to persons identified by the individual as having received protected health information about the individual and needing the amendment and persons, including business associates, that ADAMH knows have the protected health information that is subject to the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the individual.
- d. Denying the Amendment
- i. If ADAMH denies the amendment, in whole or part, it must:
 - (a) Provide the individual with a timely denial, written in plain language and including:
 - (1) The basis for the denial, in accordance with paragraph 1.a.ii. of this policy (Denial of Amendment);
 - (2) The individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement;
 - (3) A statement that, if the individual does not submit a statement of disagreement, the individual may request that ADAMH provide the individual's request for amendment and the denial with any future disclosures of the protected health information that is the subject of the amendment; and
 - (4) A description of how the individual may complain to the ADAMH pursuant to the complaint procedures or to the Secretary. The description must include the name, or title, and telephone number of the contact person or office.
 - (b) Permit the individual to submit a statement of disagreement (but ADAMH may reasonably limit its length);
 - (c) Provide a copy of any rebuttal prepared to the individual;
 - (d) As appropriate, identify the part of the record subject to the disputed amendment and append or otherwise link the request, the denial, and any statement of disagreement or rebuttal to the record;
 - (e) For future disclosures of the record, include any statement of disagreement or, in response to the individual's request, the amendment request and the denial (or an accurate summary of either of the foregoing). If standard transaction format does not permit the appending of the additional information, it must be transmitted separately to the recipient of the standard transaction.

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- ii. Actions on notices of amendment: If ADAMH is informed by another covered entity about an amendment to the record, ADAMH must amend the protected health information in the designated record by, at a minimum, identifying the affected records and appending or otherwise providing a link to the location of the amendment.
- iii. Documentation: ADAMH must document the titles of the persons or offices responsible for receiving and processing requests for amendments.