

Standard Operating Policies - SOP # 11: HIPAA Right to Request an Amendment to PHI

Title:	HIPAA Right to Request an Amendment to PHI	Effective Date:	10/03/2014
Author:	Privacy Officer	Last Review Date:	12/01/2021
Location:	All Locations	Last Revision Date:	12/01/2021
Functional Area:	ADMINISTRATION		

POLICY

Individuals shall have the right to request an amendment to their PHI in a Designated Record Set, including PHI maintained by Liberty on behalf of its Covered Entity or Business Associate clients. A “Designated Record Set” means: (1) a group of records maintained by or for a Covered Entity that is: (a) the medical records and billing records about individuals maintained by or for a covered health care provider; (b) the enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or (c) used, in whole or in part, by or for the Covered Entity to make decisions about individuals (45 C.F.R. 164.501). The term “record” means any item, collection, or grouping of information that includes PHI and is maintained, collected, used, or disseminated by or for a Covered Entity (45 C.F.R. 164.501). Individuals will generally request an amendment from the Covered Entity or Business Associate client, rather than to Liberty. Should an individual contact Liberty directly, Liberty shall respond as outlined in this Standard Operating Procedure (“SOP”) and in the Business Associate Agreement in place with the applicable client. Liberty shall review and implement all requests for amendment in compliance with the law and as expeditiously as possible, but no later than 60 days.

PROCEDURE

1. Liberty’s Privacy Officer shall serve as the point of contact responsible for receiving and processing all formal requests for amendment to PHI. Covered Entity clients and individuals will be asked to make all requests for amendment in writing.
2. Requests for Amendments from Covered Entities: If Liberty in its capacity as a Business Associate, receives a request for amendment to PHI from a Covered Entity, such request shall be forwarded to Liberty’s Privacy Officer. Liberty’s Privacy Officer shall evaluate the request to determine whether Liberty maintains the PHI in a Designated Record Set. Liberty shall comply with the Covered Entity’s request to the extent that Liberty maintains the PHI at issue in a Designated Record Set. In processing any request for amendment from a Covered Entity, Liberty shall follow the requirements set for in 45 C.F.R. 164.526 and applicable Business Associate Agreement.
3. Requests for Amendments from Individuals: In rare instances, individuals may make a request for amendment to the PHI that Liberty maintains in a Designated Record Set directly to Liberty. An amendment may include corrections, changes or clarifications requested by the individual. Any request for amendment must be in writing and shall be directed to Liberty’s Privacy Officer. Liberty’s Privacy Officer shall consult the applicable Business Associate Agreement AND notify the applicable Covered Entity client. All amendment requests shall be processed within the time frames specified by HIPAA.
4. Record Retention: All requests and associate response regarding amendments to PHI shall be documented and retained for a minimum of six (6) years, or as required by contract.

Approved By: _____

Revision History

Version	Date	Author	Summary of Changes
#1	10/03/2014	Judith Ann Shields	Initial ISF release – refactor and update of previous security policies into distinct documents
#2	12/22/2015	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#3	01/18/2016	Judith Ann Shields	Annual review, Attorney reviewed Record Retention. Added inactivity lock requirement
#4	12/22/2017	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#5	12/22/2018	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#6	12/22/2019	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#7	11/15/2019	Judith Ann Shields	Annual review, Attorney reviewed © LHC. Added inactivity lock requirement
#8	11/02/2020	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#9	12/01/2021	John Beck	Annual review and added timeframe for responding to requests to amend. Added inactivity lock requirement