Purpose

Under federal and state law, an individual has the right to request that health care providers correct or amend their health care records. UW Medicine may accept or deny the requested amendment and must observe specific legal requirements pertaining to its response, record keeping, future disclosures, and documentation. Additionally, UW Medicine has responsibilities upon learning that an individual’s health care information has been amended by another entity. The purpose of this policy is to set forth the obligations of UW Medicine respecting the individual's right to request correction or amendment of health care information.

Policy

It is UW Medicine’s policy to act upon an individual’s request that a correction or an amendment be made to the individual’s medical record/designated record set for as long as the protected health information (PHI) is maintained by UW Medicine.

UW Medicine informs individuals in the Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers that requests for correction or amendment must be made in writing and must state a reason for the requested change. UW Medicine has obligations and practices concerning acting on a request for amendment, acceptance or denial of an amendment, future disclosures, actions taken when notified of an amendment, and documentation.

I. Request for Amendment

UW Medicine must act on a written request for amendment that includes the reason for the request. “Request for Correction or Amendment of the Medical Record” UH2078 (Attachment A) may be used by the individual to submit the request in writing. All requests for corrections or amendments to the medical record must be
forwarded to UW Medicine Health Information Management, 325 Ninth Ave, Box 359738, Seattle, WA 98104. Within 10 calendar days of receipt of the request, UW Medicine must:

A) UW Medicine Health Information Management (HIM) acknowledges the request, identifies the specified PHI requested to be corrected or amended, and verifies the author(s). UW Medicine HIM forwards the request for amendment to the identified author(s) with a request for review and determination of acceptance. If the author(s) is no longer a workforce member, then the request for amendment is forwarded to the author(s) manager.

B) The author(s) accept or deny the requested amendment and inform UW Medicine HIM of their decision. UW Medicine HIM communicates the decision to the individual in writing of the acceptance or denial; or

C) Inform the individual that more time is needed to act on the request, or that UW Medicine does not maintain the record. If UW Medicine does not maintain the record, it must provide the individual with the name and address, if known, of the person who maintains the record.

II. Unable to Act on a Request for Amendment

If UW Medicine is unable to act on the amendment request within 10 calendar days, then before the expiration of the 10 calendar day period, UW Medicine must inform the individual in writing of the reasons for the delay and that action on the requested amendment can be expected on a specified date that is within 21 calendar days of the date that the original request was received. Only one extension is permissible.

III. Accepting an Amendment

If the PHI author(s) agrees to the amendment request, addenda or amendment will occur in the following way:

A) **Placing the amendment in the record.** If a request for amendment is granted, UW Medicine must document the amendment in the designated record set by:
   1) Identifying the specific records affected and
   2) Appending the new document or providing a written or electronic linkage from the old document to the new amended document.

Transcribed or Electronic Report: If the amendment needs to occur within a transcribed or electronic report, the author may use the amendment functionality of the system to satisfy the requested changes or the author may indicate that an addendum was documented. In either instance, the amendment is dated, and signed.
Paper Document: If the amendment is in a paper document, the author may draw a single line through the information, initial and date next to it and refer to an amendment note.

Imaged or Microfilmed Document: When the document requiring amendment is imaged or microfilmed, a written statement referring to the PHI needing amendment will be entered into the designated record set.

B) **Informing the individual.** UW Medicine HIM informs the individual that the amendment has been accepted with a letter and a copy of their request. Additionally, the letter must request from the individual the identity of all persons with whom the amendment must be shared and the individual’s agreement that UW Medicine will notify those persons of the amendment.

C) **Informing others.** UW Medicine must make reasonable effort within 10-calendar days to inform or provide the amended information to the persons identified by the individual, to third party Payors or insurers\(^1\), and to any persons, including business associates, known to have the PHI that is subject to the amendment. The purpose of notifying such other individuals is to reduce the chances they might rely on previously incorrect information to the detriment of the individual.

D) **Future Disclosures.** UW Medicine discloses the amendment with all future disclosures of the designated record set.

**IV. Denying a Request for Amendment**

If a request for amendment is denied, UW Medicine must provide written notification of the denial, with a clear statement of reason for the denial, within the 10 calendar day window or the 21 calendar day extended window (the 21-day window includes the initial 10-days). UW Medicine HIM sends a written denial letter and a copy of their request to the individual informing of the denial, the reason why, and further steps the individual may take.

A) **Reasons for denial.** A denial can only be made for one or more of the following reasons:

1) The PHI or record in question was not created by UW Medicine. However, this is not a reason to deny a request for amendment if the individual provides a reasonable basis to believe that the originator is no longer available to act;

2) The PHI or record in question is not contained in the individual's designated record set;

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\(^{1}\) Per the “more stringent rule” - RCW 70.02.110
3) The PHI or record in question is accurate and complete; or

4) The PHI or record in question would not be available for inspection for one or more of the following reasons:

   a) It consists of psychotherapy notes;
   b) It consists of information compiled in anticipation of litigation;
   c) It is subject to the Clinical Laboratory Improvements Amendments of 1988, 42 USC section 263(a) to the extent that providing access would be prohibited by law, or it is exempt from the Clinical Laboratory Improvements Amendments of 1988 pursuant to 42 CFR 493.3(a)(2);
   d) It was obtained by UW Medicine in the course of research and the research is still ongoing; provided that the individual consented to denial of access at the time he/she consented to participate in the research and that UW Medicine has informed the individual the right of access will be reinstated upon completion of the research;
   e) It is contained in records subject to the Privacy Act, 5 USC section 552(a), so long as that act's denial requirements are met;
   f) It was obtained from a confidential source and access to the information would reveal the source;
   g) Access to the PHI or record in question is likely to endanger the safety of the individual or another person;
   h) The PHI or record makes reference to another person and access is likely to cause substantial harm to that other person; or
   i) A personal representative is questioning the PHI or record and access is likely to cause substantial harm to the individual or another person.

B) Rights and Obligations related to an Amendment Denial

UW Medicine must provide the individual with the following information in the denial letter and, as applicable, carry out the following actions:

1) Inform the individual of his/her right and the method to submit a written statement disagreeing with the denial which includes specific reasons for the disagreement.

2) Inform the individual that UW Medicine may prepare a written rebuttal to the individual's statement of disagreement and must provide a copy of the rebuttal to the individual.

3) Inform the individual that if they choose to submit a statement of disagreement, that statement as well as any rebuttal by UW Medicine will be attached to the document which is subject to the denied amendment and will be included with any future disclosures of that document.
4) Inform the individual of UW Medicine’s obligation to include the amendment request and the denial in the individual’s designated record set, whether or not they submit a letter of disagreement.

5) Inform the individual that if they choose not to submit a statement of disagreement, he/she has the right to request, in writing, that the request for amendment and the denial be included in any future disclosures of the disputed records.

C) Individual’s Right to Complain.

The written denial must also advise the individual how a complaint may be filed with UW Medicine and the Office for Civil Rights.

1) UW Medicine complaint process. Refer to UW Medicine Privacy Policy: PP-05 Complaints and Investigations Related to UW Medicine Privacy Practices. The name or title and telephone number of the person responsible for receiving complaints must be included.

2) Office for Civil Rights complaint process. The denial letter must advise that the individual may submit a complaint within 180 days of the denial, either in writing or electronic form, naming UW Medicine and describing the acts or omissions that are the subject of the complaint. The telephone number and address of the Office for Civil Rights must also be included.

D) Appending the information.

UW Medicine identifies, as appropriate, the specified documentation associated with the disputed amendment and append or otherwise link the following within the designated record set:

1) The individual’s request for an amendment,

2) UW Medicine’s written denial of the requested amendment,

3) The individual’s statement of disagreement, if any, and

4) UW Medicine’s rebuttal statement, if any.
E) Future Disclosures.

The Health Information Management Service Area receives request for disclosure of PHI, identifies the relevant designated record set then in determining whether to disclose correspondence related to amendment denials, the options are:

1) If a statement of disagreement has been submitted by an individual, UW Medicine includes in the disclosure:
   a) The individual’s request for an amendment, UW Medicine’s written denial of the request, the individual’s statement of disagreement, and any UW Medicine’s rebuttal statement; or
   b) A summary of this information.

2) If an individual has not submitted a written statement of disagreement, UW Medicine may disclose the following only if the individual has requested such action:
   a) The individual’s request for amendment and UW Medicine’s denial, or
   b) A summary of the request and denial.

3) The Health Information Management Service Area prepares records for disclosure according to UW Medicine protocol. Included in the prepared records is the following:
   a) The request for amendment;
   b) The denial letter;
   c) The individual’s statement of disagreement; and
   d) UW Medicine’s rebuttal, if any.

When a subsequent disclosure is made, and the method of information transmission does not allow for inclusion of the information described above due to size, type, or data content, UW Medicine may deliver the information separately.

V. Actions on Notices of Amendment from another Covered Entity

If UW Medicine is informed by another covered entity of an amendment to an individual's PHI, UW Medicine must identify the PHI originally subject to the amendment and append or link the amendment. Workforce members should forward the letter to UW Medicine HIM. UW Medicine HIM will identify a provider involved in the individual's care, preferably the primary care provider, to inform them of the additional documentation, UW Medicine HIM amends and files the documentation in the designated record set.
IV. **Documentation Requirements for an Amendment**

UW Medicine HIM maintains a procedure for receiving and processing requests for medical record/designated record set amendments. The process includes the following two elements:

A) Documentation of the persons responsible for receiving and processing requests for amendments; **and**

B) Retention of the request and amendment documentation in written or electronic form for at least 6 years from the date the documents were created.

**References**

I. 45 CFR Part 164; Section 164.524 Access of Individuals to Protected Health Information

II. 45 CFR Part 164; Section 164.526 Amendment of Protected Health Information

III. RCW 70.02.100 – Correction or Amendments

**Cross References**

Please see following list of UW Medicine entity specific policies and procedures regarding Patient Complaints and Responding to Complaints.

UWMC:
100-5 Error Correction

UWP:
Amendment of Clinical Records

**Approvals**

UW Privacy Official ___________________________ Date ___________________________
Johnese M. Spisso, Chief Health System Officer, UW Medicine & Vice President for Medical Affairs, UW

**Forms/Instructions (if applicable)**

Attachment A: Amendment Request UH2078
Additional Contacts

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