

AMENDMENT OF PROTECTED HEALTH INFORMATION

Policy: The University of Connecticut will allow an individual to request amendment of protected health information (PHI) or a record about them for as long as the University maintains the information.

Rationale: To maintain compliance with Title 45 CFR Part 164.526, Amendment of Protected Health Information.

I. General Procedures:

1. The University will consider requests for amending PHI that is created and maintained by the its HIPAA-Covered Components.
2. The Individual requesting the amendment must submit the request in writing and provide the reasons for requesting the amendment.
3. The University will normally act on the request within 60 days. If the University is unable to act on the request within 60 days, the University may extend the time by 30 days. If this extension is needed, the University will send a written statement to the Individual who requested the amendment. This statement will provide the reasons for the extension and the expected date for completion.
4. If the University has accepted the amendment, in whole or in part, the University will make a reasonable effort to inform other parties that the information has been amended. Persons who may receive this notification of amendment are:
 - a. Persons identified by the Individual as having received his/her PHI and who may need the amendment; or
 - b. Persons, including Business Associates of the University, who have previously received the Individual's PHI and who have relied on the information for the Individual's benefit.
5. If the University grants the requested amendment, in whole or in part, the University will:
 - a. Make the amendment where appropriate;
 - b. Inform the Individual that the amendment has been accepted; and
 - c. Notify the Individual that the University has or will notify persons who had been given the original information.

6. A request for amendment will *automatically* be denied if it is subject to any of the following:
 - a. The PHI was not created by the University, unless the individual provides a reasonable basis to believe that the person or organization that created the PHI is no longer available to act on the requested amendment;
 - b. It is not part of record created or maintained by the University;
 - c. It is information compiled in reasonable anticipation, or for use in, a civil, criminal, or administrative action or proceeding;
 - d. If the information is subject to the Clinical Laboratory Improvement Amendments of 1988 (Title 42 CFR Part 493.3(a)(2));
 - e. If the PHI was gathered in the course of research and the Individual agreed to denial of access until the completion of research;
 - f. If PHI was obtained from someone other than an employee of the University under a promise of confidentiality and the University believes this may reveal the source of the information;
 - g. If a licensed healthcare professional has determined, in the exercise of professional judgment, that the request is reasonably likely to endanger the life or physical safety of the Individual or another person;
 - h. If the PHI makes reference to another person, and a licensed healthcare professional has determined, in the exercise of professional judgment that the request is reasonably likely to cause substantial harm to that other person;
 - i. If the request is made by an authorized representative the Individual has assigned, and a licensed healthcare professional has determined, in the exercise of professional judgment, that provision of access to such personal representative is reasonably likely to cause substantial harm to the Individual or another person;
 - j. If the University is acting under the direction of a correctional institution, the University will deny an inmate's request to obtain a copy of PHI; or
 - k. The University will deny the request for the amendment, if it has determined that the PHI is accurate and complete.

Denied Request for Amendment

7. If the University has denied an amendment, in whole or in part, then the following actions will occur:
 - a. The Individual will be given a timely written denial that will explain why the request was denied;
 - b. The University will grant the Individual's request to the information requested, except for what was denied; and
 - c. The University will inform the Individual of any rights for a review of the denial and a description of how to make a complaint to the HIPAA-Covered Component Director, the University's Privacy Officer in the

Office of University Compliance or the Secretary of the U.S. Department of Health and Human Services.

- d. The University will also include in written notice of the denial, the HIPAA-Covered Component Director's contact's name, title, and telephone number for more information to address or file a complaint with the HIPAA-Covered Component, or with the University's Privacy Officer.
8. If the Individual disagrees with the denial of amendment, then:
 - a. The Individual may provide a written statement disagreeing with the denial of all or part of a request and the basis of such disagreement.
 - b. The Individual has the right to have the denial reviewed. The University will provide a licensed healthcare professional, who did not participate in the original denial to review the new request for review of the denial.
 - c. The University will provide a written notice to the Individual of the review findings and other actions, if any required, taken by the University.
 - d. The University may prepare a written rebuttal to the Individual's statement of disagreement. Whenever such a rebuttal is prepared, the University will provide the Individual with a copy.
 9. The University will document the record or PHI that is the subject of the disputed amendment and append or otherwise link the Individual's request for an amendment, the University's denial of the request, the Individual's statement of disagreement, if any, and the University's rebuttal if any. The University will also document the titles or offices responsive for the receipt and processing of requests for amendment. Such documentation will be retained for a minimum of six (6) years from the date the individual made the request to amend.