

**HIPAA PRIVACY RULE: PATIENT REQUESTS TO AMEND
PROTECTED HEALTH INFORMATION**

POLICY:

A. General Right to Amend Protected Health Information¹

Except as set forth below, the University of Southern California (USC)² recognizes the right of a patient to request an amendment to his or her Protected Health Information or a record about a patient maintained by USC in a “Designated Record Set.” A Designated Record Set is defined as the following:

1. An individual’s medical records and billing records maintained by USC; and
2. The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for USC’s health plans (including the USC Network Plan); and
3. Records used by USC providers, in whole or in part, to make decisions about individuals.

B. USC Right to Deny Patient Request to Amend Protected Health Information

USC may deny a patient’s request to amend his or her Protected Health Information for any of the following reasons:

¹ Protected Health Information is defined as identifiable information that relates to the individual's past, present or future physical or mental health condition or to payment for health care.

² For purposes of the HIPAA Privacy Rule, USC includes those entities that comprise Keck Medicine of USC, including but not limited to, USC Norris Cancer Hospital, Keck Hospital of USC, USC’s employed physicians, nurses and other clinical personnel, those units of USC that provide clinical services within the Keck School of Medicine, School of Pharmacy, the Herman Ostrow School of Dentistry, Physical and Occupational Therapy as well as USC Care Medical Group, affiliated medical foundations of Keck and their physicians, nurses and clinical personnel, USC Verdugo Hills Hospital, its nurses and other clinical personnel, Verdugo Radiology Medical Group, Verdugo Hills Anesthesia, and Chandnish K. Ahluwalia, M.D., Inc. and those units that support clinical and clinical research functions, including the Offices of the General Counsel, Audit and Compliance.

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1. The Protected Health Information or record that is subject to the request was not created by USC, unless the patient provides a reasonable basis to believe that the originator of the Protected Health Information is no longer available to act on the requested amendment; or
2. The Protected Health Information or record is not part of the Designated Record Set, as defined above; or
3. The Protected Health Information or record is not available for inspection under USC HIPAA Policy PAT – 601 relating to the patient’s right to access his/her Protected Health Information; or
4. The Protected Health Information is accurate and complete.

The following section describes USC’s procedures for implementing the above policy.

PROCEDURES:

A. Initial Processing of a Request for Amendment

1. Request for Amendment Form. A patient who requests an amendment to his or her Protected Health Information must make a request **in writing** on USC’s *Request to Amend* Form. A copy of USC’s *Request to Amend* Form can be downloaded from the USC policies website at <http://policy.usc.edu/hipaa>.
2. Referral to Department Clinic Manager or Health Information Management Office. Patient requests for amendments to Protected Health Information should be referred to the Department Clinic Manager or the Health Information Management Office who will be responsible for responding to the patient’s request. The Department Clinic Manager or Health Information Management Office will contact Risk Management, as necessary.

B. Determinations to Accept or Deny Request

1. Determinations to Accept or Deny a Request to Amend. A determination to accept or deny a request for amendment must be made by the provider who treated the patient or, alternatively, from the provider who has been designated by USC Chief Medical Officer to review the Protected Health Information in the absence of the treating provider. The provider or designee also may consult with the USC Office of Compliance for assistance.

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C. Procedures if the Amendment is Accepted. If the request for amendment is accepted:

1. Make the Amendment. The Department Clinic Manager or the Health Information Management Office will make the appropriate amendment to the Protected Health Information or record in accordance with USC Care Medical Group and Hospital policy.
2. Notification to the Patient. The Department Clinic Manager or the Health Information Management Office will inform the patient promptly in writing that the amendment has been accepted. A copy of USC's *Acceptance of Request to Amend* can be downloaded from the USC policies website at <http://policy.usc.edu/hipaa>.
3. Reasonable Efforts to Notify Third Parties. The Department Clinic Manager or the Health Information Management Office will use reasonable efforts, and with the patient's agreement, provide the amendment to:
 - a. Persons identified by the patient as having received Protected Health Information about the patient and requiring the amendment; and
 - b. Persons, including Business Associates of USC, that the clinical unit knows have the Protected Health Information that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the patient.
4. Timing of Response. The Department Clinic Manager or the Health Information Management Office shall act on a patient's request no later than sixty (60) days after its receipt of the request. If the Department Clinic Manager or the Health Information Management Office is unable to act on the request within sixty (60) days, that party may request an extension of no more than thirty (30) days by providing the patient with a written statement indicating the reasons for the delay and the date by which USC will respond. The Department Clinic Manager or the Health Information Management Office may have only one such thirty (30) day extension.

D. Procedures if Amendment Denied. If the amendment is denied in whole or in part:

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1. Notice of Denial. The Department Clinic Manager or the Health Information Management Office will provide the patient who requested the amendment with a written denial within sixty (60) days after receipt of the request for amendment. A copy of USC's *Denial of Request to Amend* can be downloaded from the USC policies website at <http://policy.usc.edu/hipaa>. The Notice of Denial must contain:
 - i. The basis for the denial;
 - ii. A statement of the patient's right to submit a written statement disagreeing with the denial and how the patient may file such a statement;
 - iii. A statement that, if the patient does not submit a statement of disagreement, the patient may request that USC provide the patient's request for amendment and the denial with any future disclosures of the Protected Health Information that is the subject of the amendment; and
 - iv. A description of how the patient may submit a complaint to USC or the Office of Civil Rights.

2. Written Statement of Disagreement. USC will permit the patient to submit to the Department Clinic Manager or the Health Information Management Office a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. Any statement of disagreement shall be limited to no more than two (2) single-sided, single-spaced pages.

3. Written Rebuttal to Statement. The Department Clinic Manager or the Health Information Management Office will prepare a written rebuttal to the patient's statement of disagreement and will arrange to provide a copy to the patient who submitted the statement of disagreement.

4. Identification of Disputed Record or Information. The Department Clinic Manager or the Health Information Management Office will, as appropriate, identify the record or Protected Health Information 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, USC's denial of the request, the patient's statement of disagreement, if any, and USC's rebuttal, if any, to the Designated Record Set.

5. Future disclosures.
- i. If a statement of disagreement has been submitted by the patient, the Department Clinic Manager or the Health Information Management Office will arrange to include the material appended or an accurate summary of any such information, with any subsequent disclosure of the Protected Health Information to which the disagreement relates.
 - ii. If the patient has not submitted a written statement of disagreement, the Department Clinic Manager or the Health Information Management Office will arrange to include the patient's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the Protected Health Information only if the patient has requested such action in accordance with this policy.
- E. Notice from another Covered Entity. If USC is informed by another Covered Entity (e.g., health care provider or health plan) of an amendment to a patient's Protected Health Information, the Department Clinic Manager or the Health Information Management Office will amend the Protected Health Information in the Designated Record Sets as provided. The Department Clinic Manager or the Health Information Management Office is responsible for ensuring that the Protected Health Information is amended as required under this section.
- F. Documentation. The Department Clinic Manager or the Health Information Management Office will retain all documentation associated with requests for amendments (and the associated determinations) in the patient record.

Responsible Office:

Office of Compliance

<http://ooc.usc.edu>

complian@usc.edu

(213) 740-8258