



## Oklahoma State University

<b>Title: Right to Amend</b>	<b>Policy #: PRV-11.01</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 164.526(a)</b>
<b>Standard: Right to Amend</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 4/14/2003</b>	<b>Page 1 of 2</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

### PURPOSE:

To define an individual's rights in regards to amending their medical record and the process thereof.

### POLICY:

1. An individual has the right to have OSU amend protected health information or a record about the individual in a designated record set for as long as the protected health information is maintained in the designated record set. §164.526(a)(1)
2. OSU may deny an individual's request for amendment, if it determines that the protected health information or record that is the subject of the request: §164.526(a)(2)
  1. Was not created by OSU, unless the individual provides a reasonable basis to believe that the originator of protected health information is no longer available to act on the requested amendment; §164.526(a)(2)(i)
  2. Is not part of the designated record set; §164.526(a)(2)(ii)
  3. Is accurate and complete §164.526(a)(2)(iv)
  4. The PHI would not be available for inspection because access would be denied, because of (45 CFR §164.524): §164.526(a)(2)(iii)
    - (i) Psychotherapy notes;
    - (ii) Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; and
    - (iii) Protected health information maintained by a covered entity that is:
      - (A) Subject to the Clinical Laboratory Improvements Amendments of 1988, 42 U.S.C. 263a, to the extent the provision of access to the individual would be prohibited by law; or
      - (B) Exempt from the Clinical Laboratory Improvements Amendments of 1988, pursuant to 42 CFR 493.3(a)(2).

### PROCEDURE:

1. If a person requests to amend the PHI in possession of OSU, that person shall be directed to the OSU HIPAA Compliance Office for instructions on how such a request must be made.
2. The HIPAA Compliance Office will explain the procedure for requesting an amendment, including the reasons for possible denial cited above.
3. Any request for amendment must be presented in writing for review.



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4. Upon receipt of a written request for amendment to PHI, the HIPAA Compliance Office will review the request in accordance with HIPAA §164 and OSU Policies to determine appropriate action.
5. Amendments will be limited to the Designated Record Set of OSU.
6. If OSU accepts an amendment, the HIPAA Compliance Office will be responsible for determination of the steps necessary to inform other entities which need to amend PHI received from OSU.
7. The HIPAA Compliance Office is responsible for processing all amendment requests in a manner consistent with OSU HIPAA policies and CFR §164.
8. The HIPAA Compliance Office shall take all requests to the appropriate physician for final review to make a determination.

### REFERENCE:

45 CFR §164.524