



## Oklahoma State University

<b>Title: Denying the Amendment</b>	<b>Policy #: PRV-11.04</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 164.526(d)</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 identify the process OSU must take when denying a request for an amendment.

### **POLICY:**

If OSU denies the requested amendment, in whole or in part, OSU must comply with the following requirements: *§164.526(d)*

1. OSU must provide the individual with a timely, written denial. The denial must use plain language and contain: *§164.526(d)(1)*
  - a. The basis for the denial; *§164.526(d)(1)(i)*
  - b. The individual's right to submit a written statement disagreeing with the denial and how individual may file such a statement; *§164.526(d)(1)(ii)*
  - c. A statement that, if the individual does not submit a statement of disagreement, the individual may request that OSU provide the individual's request for amendment and the denial with any future disclosures of PHI that is the subject of the amendment; and *§164.526(d)(1)(iii)*
  - d. A description of how the individual may complain to OSU as described in this manual or to the Secretary of The Department of Health and Human Services. The description must include the name, or title and telephone number of the contact person or HIPAA Compliance Office. *§164.526(d)(1)(iv)*
2. Statement of Disagreement - OSU will permit the individual to submit to OSU a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. OSU may reasonably limit the length of a statement of disagreement. *§164.526(d)(2)*
3. Rebuttal Statement - OSU may prepare a written rebuttal to the individual's statement of disagreement. Whenever such a rebuttal is prepared, OSU must provide a copy to the individual who submitted the statement of disagreement. *§164.526(d)(3)*
4. Recordkeeping - OSU, must as appropriate, identify the record or PHI in the designated record set that is the subject of the disputed amendment and append or otherwise link the individual's request for an amendment, OSU's denial of the request, the individual's statement of disagreement, if any, and OSU's rebuttal, if any, to the designated record set. *§164.526(d)(4)*
5. Future disclosures –
  - a. If a statement of disagreement has been submitted by the individual, OSU must include the material appended, as indicated in the above paragraph, or, at the election of OSU, an



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accurate summary of any such information, with any subsequent disclosure of the PHI to which the disagreement relates. §164.526(d)(5)(i)

- b. If the individual has not submitted a written statement of disagreement, OSU must include the individual's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI only if the individual has requested such action. §164.526(d)(5)(ii)
- c. When a subsequent disclosure is made using a standard transaction under part 45 CFR 162 that does not permit the additional material to be included with the disclosure, OSU may separately transmit the material required as applicable to the recipient of the standard transaction. §164.526(d)(5)(iii)

### PROCEDURE:

1. If a request is denied by the physician, OSU shall follow the above policy and allow the individual to submit a rebuttal letter after giving them the opportunity to file a complaint either with OSU or with the Secretary for the Department of Health And Human Services.
2. The individual may file a complaint with:
  - HIPAA Compliance Office
  - 717 South Houston, Suite 506
  - Tulsa, OK 74127
  - [Chs.privacy@okstate.edu](mailto:Chs.privacy@okstate.edu)
  - 918-586-4545