COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **HIPAA**	**Chapter** **05**	**Section** **03**	**Subject** **05**
Subject **Amending PHI**	**Authorization**		**Approved: 04/08/03** **Replaces: None**	

Updated: October 2024; Reviewed/No Update: October 2025

I. PURPOSE: To establish policy regarding a recipient's right to amend Protected Health Information (PHI) or a record about the recipient in a designated record set.

II. APPLICATION: All employees of Gogebic Community Mental Health Authority (GCMHA).

III. DEFINITIONS: Designated Record Set: A group of records maintained by or for a covered entity that is:

A. The medical records and billing records about individuals maintained by or for a covered health care provider;

B. The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or

C. Used, in whole or in part, by or for the covered entity to make decisions about individuals.

For purposes of this policy, the term *record* means any item, collection, or grouping of information that includes protected health information and is maintained, collected, used, or disseminated by or for a covered entity.

IV. POLICY: A recipient has the right to request that GCMHA amend protected health information (PHI) or a record about the recipient in a designated record set for as long as the PHI is maintained in the designated record set.

V. PROCEDURE:

A. A recipient or the recipient's legal representative may request GCMHA amend protected health information or a record about the recipient in a designated record set.
1. The request must be made in writing.
2. The recipient must provide a reason that supports their request.
3. The request will be forwarded to GCMHA's Privacy Officer.

B. GCMHA's Privacy Officer must take action on the request within sixty (60) days of receipt. If a decision has not been made by the Privacy Officer within the sixty (60) days, the individual will be notified in writing the reasons for the delay and the expected date that action will be completed. This delay will not exceed an additional thirty (30) days. This will be the only extension allowed.

C. If GCMHA's Privacy Officer accepts the requested amendment in whole or in part he/she shall do the following:
1. Inform the recipient that the amendment/change is accepted. Obtain the recipient's identification of those parties who relied on amended information. Obtain recipient

agreement to have GCMHA notify the relevant persons with whom the amendment needs to be shared. This notification will take place within ten (10) business days.

2. Notify the Medical Records Supervisor/designee of the requested change/amendment.
3. Notify recipient that he/she must present written documentation to amend or correct the record. There must be separate written documentation for each amended document. There cannot be any modification to the records, but an amendment/change may be added to the record on a separate document.

D. The Medical Records Supervisor/designee will at a minimum identify in the designated record set information that is affected by the amendment by appending or otherwise providing a link to the location of the amendment/change.

E. The Medical Records Supervisor/designee shall notify persons, including business associates, who GCMHA knows has received the erroneous or incomplete information and who may have relied, or could possibly rely, on such information to the detriment of the recipient.

F. GCMHA's Privacy Officer may deny a request for amendment for one of the following reasons:

1. Health information was not created by GCMHA. Exception is made if the recipient provides a reasonable basis to believe the originator of protected health information is no longer available to act on the proposed amendment.
2. Would not be available for inspection and copying under §164.524 of the HIPAA Privacy Regulations (relating to grounds for denying access to protected health information)
3. Information is deemed to be accurate and complete.

G. If GCMHA's Privacy Officer denies the request in whole or in part he/she shall, within 5 business days, provide the recipient with a written denial, in plain language, that contains the following:

1. The basis for the denial.
2. A description of how the recipient may file a written statement of disagreement with the denial.
3. If the recipient does not submit a statement of disagreement, he/she may request that GCMHA provide the recipient's request and GCMHA's denial with any future disclosures of the protected health information.
4. A description of how the recipient may complain to GCMHA's Privacy Officer or to the Secretary of CMS.

H. If a recipient files a written statement of disagreement (see F.1.(b)) GCMHA:

1. must include the material appended, or an accurate summary of such information, with any subsequent disclosure of the PHI to which the disagreement relates
2. may prepare a written rebuttal to the statement of disagreement, and provide a copy to the recipient

VI. REFERENCES AND LEGAL AUTHORITY: Act 258 of the Public Acts of 1974, as amended (Michigan Mental Health Code); Sections 748, 749, 750; 45 CFR Part 164 section 526; 42 CFR Part 2 Subpart B 2.23.

VII. EXHIBITS: None