

# BryanLGH MEDICAL CENTER PROCEDURE

## Amending Medical Records

	DATES
<i>Replaces:</i> <i>East –</i> <i>West –</i>	<i>Effective: April 2003</i> <i>Designated Review: April 2005</i>

### **PURPOSE**

To establish guidelines for processing the patient's right to request in writing that information in their medical record be corrected or amended and to ensure compliance with the Health Insurance Portability and Accountability Act (HIPAA).

### **INTRODUCTION**

Pursuant to HIPAA, the U.S. Department of Health and Human Services issued privacy regulations with which hospitals must comply. One of the regulations, 45 C.F.R. 164.526, sets forth when and how a patient or someone acting on his or her behalf can have the patient's medical record corrected or amended.

Definitions:

1. Amendments are non-author requests for documentation changes.
2. Revisions are author or designee requests for documentation changes with procedural reference to Procedure #HIM.TRAN.001 Transcribed Reports.
3. Author is the healthcare professional documenting in the medical record.

### **SCOPE**

Health Information Management (HIM) Staff

### **EQUIPMENT/SUPPLIES/RESOURCES**

"Request for Correction or Amendment of Medical Record" Form 492d  
Patient Access to their Information Procedure  
Transcribed Reports Procedure

### **STEPS**

1. Patients must complete the Form 492d entitled "Request for Correction or Amendment of Medical Record". **This request should be directed to the HIM Department Release of Information section.**

2. Upon completion of the form, the patient will be given a copy; one will be filed in the medical record and the original will be forwarded to the author of the entry. The author will be notified that the patient is requesting that his/her medical record be corrected or amended and a memo will be sent to the author instructing the author as to the specified time frame for completion. The HIM staff member handling this request will enter it into the tracking system so as to assure completion within the 60-day timeframe. One 30-day extension is possible and requires the requestor be notified in writing with the reason for delay.
3. If the author disagrees with the request see #8 below. If the author agrees with the request an addendum to the medical record is prepared and attached to the request, which is then returned to the HIM Department.
4. When the amendment is accepted and modified, the patient will be notified and asked if this amendment needs to be shared with anyone.
5. Copies of the correction will be furnished to those whom the patient has identified as having received protected health information about the individual and needing the amendment; and to persons, including business associates who are known to have received the information; i.e. those that received copies of transcribed reports and other deemed appropriate by person processing request.
6. A copy of the Request and any addendums will be filed in front of the form that has been corrected in the medical record.
7. The hospital or the author may deny a patient's request if a) the information was not created by BryanLGH staff or physicians; b) is not part of the patient's designated record set as defined in the Notice of Privacy Practices; c) if the information is deemed to be accurate and complete.
  - The author denying the request must provide the patient with a dictated letter with a copy to HIM Release of Information (ROI) supervisor explaining the reason for the denial and give the individual the opportunity to submit a written statement disagreeing with the denial. The author may further prepare written rebuttal.
  - A denial request must be presented with the reasons for the denial to the appropriate Medical Review Team for approval before discussing with the patient.
  - In the event that a written statement disagreeing with the denial is received the Patient Family Representative may: a) explain to the patient; b) arrange a meeting or phone call between the patient and the author; c) receive advice from the Vice President of Medical Affairs as appropriateness of the denial and complete the form with the final determination. When resolved the Patient Family Representative will complete Form 492d documenting the final determination.
  - All documentation regarding denials and rebuttals must be filed in the medical record and be included in any subsequent disclosures to which the disagreement relates, including any amendments received on outside records which are to be filed on the medical record.

## **REFERENCES**

45 CFR Section 164.526

## **AUTHOR**

Lois Givens, Director of Health Information Management

Approved by: Privacy WorkGroup; HIPAA Advisory Committee; Information Management Function Team;  
Medical Staff Function Team

## **KEYWORDS**

HIPAA  
Privacy  
Amending Records  
Correcting Entries  
Medical Record

## **SIGNATURES (Signature Sheet on File)**

### **DATES:**

Effective:		April 2003
Previous Review:	E:	
	W:	
Designated Review:		April 2005