

## PATHWAYS CMH

<b>PROCEDURE TITLE:</b> Individuals' Rights to Request Amendment and Corrections of PHI – Appendix 5 of Privacy Policy	<b>CATEGORY:</b> Recipient Rights
<b>EFFECTIVE DATE:</b> April 14, 2003	<b>BOARD APPROVAL DATE:</b> April 14, 2003
<b>REVIEWED DATE:</b> June 2013; July 11, 2014; May 5, 2015; April 22, 2106; April 15, 2017	<b>REVISION(S) TO PROCEDURE:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>RESPONSIBLE PARTY/APPROVAL:</b> Recipient Rights Supervisor or Designee/ Mary J. Swift, CEO	

**PURPOSE:**

To protect the rights of recipients.

**PROCEDURES:**

1. A recipient or legal representative must make a request for amendment or correction by writing directly to the Pathways Privacy Officer.
2. A recipient's request to amend the record will always be accepted.
3. The Privacy Officer will consult with the clinician(s) of records as to the merit of the request to correct the record.
4. The 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.
5. The Privacy Officer shall determine the reasonableness of the request to correct the record. A request to correct the record can be denied for one of the following reasons:
  - a. Health information was not created by Pathways. An exception may be 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.
  - b. Would not be available for inspection and copying under §164.524 of the HIPPA Privacy Regulations and the Michigan Mental Health Code, MCL 330.1748 (relating to grounds for denying access to protected health information).
  - c. Information is deemed to be accurate and complete.
6. Upon acceptance of the amendment or correction, the Privacy Officer shall do the following:

- a. The Privacy Officer shall 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 Pathways notify the relevant persons with whom the amendment needs to be shared. This notification will take place within ten (10) business days.
  - b. The Privacy Officer shall notify the Medical Records Supervisor/designee of the requested change/amendment.
  - c. The Privacy Officer shall 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 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 Pathways knows has received the erroneous or incomplete information and who may have relied, or could foreseeably rely, on such information to the detriment of the recipient.
7. If the Privacy Officer denies the request to correct the record, in whole or in part he/she shall do the following:
- a. Provide the recipient with a timely, written statement in plain language of the basis for the denial by Pathways Privacy Officer. This notification shall be made within five (5) business days.
  - b. Include in the statement for denial:
    - (i) A description of how the recipient may file a written statement of disagreement with the denial.
    - (ii) If the recipient does not submit a statement of disagreement, he/she may request that Pathways provide the recipient's request and Pathways' denial with any future disclosures of the protected health information.
8. After receipt of denial, the recipient may complain to Pathways Privacy Officer.
9. Pathways will provide the following information in all correspondence with recipient regarding this issue:
- (i) Name and telephone of Pathways Privacy Officer.
  - (ii) Information relevant to filling a complaint with Secretary of CMS.

10. The Privacy Officer will review with the recipient their rights under the Mental Health Code to insert their statements into the designated record set.
11. A recipient can exercise their right to supply their version of their treatment. These documents will be placed in the medical record, and deemed to be part of the designated record set when the Privacy Officer denies a request for amendment or correction.
12. Pathways or the Member CMHSP may determine the reasonableness of the request to correct the record based on the administrative difficulty of complying with it and not based on its perception of the merits of the individual's reason for making the request. Pathways can require the individual to provide a reason as a condition of granting the request.
13. The recipient shall be permitted to file a statement of disagreement with the denial to the Privacy Officer and the basis of such disagreement.
14. The statement of denial and the recipient's statement of disagreement will be disclosed with the record and Pathways may provide a written rebuttal to the statement of disagreement in subsequent disclosures. Whenever such rebuttal is prepared, Pathways must provide a copy to the individual who submitted statement of disagreement. When any standard transactions are affected by the request for amendment and that standard transaction does not permit the additional material to be included in that disclosure, Pathways may separately send a hard copy.
15. A separate covered entity that is informed by Pathways of an amendment to a recipient's protected health information must amend the protected health information in their record.
16. Pathways will retain recipient records 20 years after discharge or 7 years after the recipient's death.

**REFERENCES:**

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.

## ***Request for Amendment of Health Information***

Recipient Name:

Birth date:

Recipient Phone Number:

Recipient Address:

Date of Entry to be amended:

Type of entry to be amended:

Please explain how the entry is incorrect or incomplete. What should the entry say to be more accurate or complete?