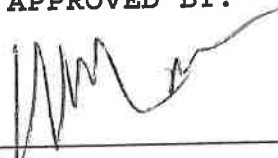


COUNTY OF IMPERIAL
DEPARTMENT OF BEHAVIORAL HEALTH SERVICES
POLICY AND PROCEDURE MANUAL

SUBJECT: Statement of Disagreement With Denial of Request to Amend Protected Health Information	PROCEDURE: 01-14
SECTION: Administration	EFFECTIVE DATE: 4-14-03
REFERENCE: 45 C.F.R. Section 164.526(d) (2) Health and Safety Code	PAGE: 1 of 6
AUTHORITY: Behavioral Health Director as the Local Mental Health Director and Alcohol and Drug Administrator	SUPERSEDES: New Procedure
	APPROVED BY: 

PURPOSE: To establish a procedure that allows individuals to submit to ICBHS a written statement disagreeing with the denial of all or part of a requested amendment.

SCOPE: The information in this document applies to all members of the workforce which includes employees, contract employees, volunteers, and trainees, etc., granted access to protected health information (PHI).

NOTES: Section 164.526 of the HIPAA Privacy Rule provides individuals with the right to request that a covered entity amend the protected health information in their records. In response to the individual's request, ICBHS may deny the request based on certain criteria. The individual can disagree with the ICBHS' decision by filing a written statement of disagreement.

DEFINITIONS: Amendment: The request by an individual or personal representative to make an addendum, alteration, or attachment to a designated record containing their protected health information.

Designated Record Set: A group of records maintained by or for ICBHS that includes medical, billing, enrollment, payment, claims adjudication, and other records used to make a decision about an individual.

HIPAA: Health Insurance Portability and Accountability Act. The federal law passed in 1996 that provides national standards for health information.

Individual: Under HIPAA, individual means the person who is the subject of PHI. In this procedure, the term "client" is used to refer to the individual.

Personal Representative: A person who has authority under applicable law to make decisions related to health care on behalf of an adult or an emancipated minor or the parent, guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor, except where the minor is authorized by law to consent to a health care service, or where the parent, guardian or person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.

Protected Health Information (PHI): Individually identifiable information relating to past, present, or future physical or mental health condition of an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual transmitted or maintained in any form or medium including oral, written, or electronic communication.

Workforce: Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity. In this procedure, the term "employee" is used to refer to the workforce.

PROCEDURE:

PERSON RESPONSIBLE

ACTION:

Client/Personal
Representative

1. Upon receipt of the denial of a request to amend the information, opts to submit a Statement of Disagreement/ Request To Include Amendment Request And Denial With Future Disclosures/Manifestacion De Desacuerdo/Solicitud De

Client/Personal
Representative (cont.)

Incluir La Solicitud De Enmienda
Y La Negativa En Divulgaciones
Futuras.

ICBHS Team/Medical
Records Clerical Staff

2. Upon receipt of a written Statement of Disagreement/ Request To Include Amendment Request And Denial With Future Disclosures/Manifestacion De Desacuerdo/Solicitud De Incluir La Solicitud De Enmienda Y La Negativa En Divulgaciones Futuras, date stamps the form effective the date of receipt from a client and forwards it to the ICBHS privacy officer.

Privacy Officer

3. Upon receipt of the Statement of Disagreement/Request To Include Amendment Request And Denial With Future Disclosures/ Manifestacion De Desacuerdo/ Solicitud De Incluir La Solicitud De Enmienda Y La Negativa En Divulgaciones Futuras processes it as follows:
 - a. Records receipt of the Statement of Disagreement in the **Amendment Request Log**.
 - b. Files original.
 - c. Forwards a copy of the Statement of Disagreement/ Request To Include Amendment Request And Denial With Future Disclosures/ Manifestacion De Desacuerdo/ Solicitud De Incluir La Solicitud De Enmienda Y La Negativa En Divulgaciones Futuras to the program supervisor.

Program Supervisor

4. Reviews the Statement Of Disagreement/Request To Include

Program Supervisor
(cont.)

Amendment Request And Amendment Request And Denial With Future Disclosures/Manifestacion De Desacuerdo/Solicitud De Incluir La Solicitud De Enmienda Y La Negativa En Divulgaciones Futuras.

5. If the request to amend PHI involved clinical decision, reviews the request with the clinician.
6. If, upon review of the statement of disagreement, it is determined to not prepare a rebuttal, notifies the privacy officer. Go to Step 8.

Program Supervisor/
Clinician

7. If, upon review of the statement of disagreement, it is determined to prepare a rebuttal, prepares rebuttal letter. Retains copy and forwards original to the privacy officer.

Program Supervisor

8. Ensures that a copy of the Statement Of Disagreement/ Request To Include Amendment Request And Amendment Request And Denial With Future Disclosures/Manifestacion De Desacuerdo/Solicitud De Incluir La Solicitud De Enmienda Y La Negativa En Divulgaciones Futuras and the Rebuttal Letter, if any, is attached to the client's designated record set containing PHI subject to the amendment request.

Privacy Officer

9. Processes the rebuttal letter as follows:
 - a. Provides a copy of the rebuttal letter to the client who submitted the statement of disagreement.

ICBHS Team/Medical
Records Clerical Staff

b. Records the rebuttal letter in the **Amendment Request Log**.

10. Ensures that a copy of the following documents are included with any future disclosure of the disputed PHI:

a. Request to Amend Protected Health Information/
Solicitud De Enmienda De Informacion Protegida form

b. Response to Request to Amend Protected Health Information/Respuesta A La Solicitud De Enmienda A Informacion Medica Protegida form.

c. Statement Of Disagreement/ Request To Include Amendment Request And Amendment Request And Denial With Future Disclosures/
Manifestacion De Desacuerdo/
Solicitud De Incluir La Solicitud De Enmienda Y La Negativa En Divulgaciones Futuras

d. ICBHS Rebuttal Letter (if any)

ICBHS

11. Retains documentation for six (6) years from the date it was created or the date when it last was in effect, or such longer period of time as required by state law or other federal laws.

It is ICBHS' records retention policy that all records be kept a minimum of seven (7) years from the date of discharge, except for minors,

Note: (cont.)
whose records shall be kept at
least one (1) year after the
minor has reached the age of
eighteen (18), but in no case
less than seven years.

Forms used in this procedure:

Statement of Disagreement/Request to Include Amendment
Request and Denial with Future Disclosures ICBHS 00-35
Manifestacion De Desacuerdo/Solicitud De Incluir
La Solicitud De Enmienda Y La Negativa En
Divulgaciones Futuras ICBHS 00-54
Requests For Amendment to PHI Log 00-63