

HIPAA Privacy Tip Sheet:

Amendment of Protected Health Information (pg. 1)

Background

The Privacy Rule states that an individual has the right to have OhioHealth amend protected health information (PHI) or a record about the individual in a designated record set for as long as the PHI is maintained in the designated record set. 45 C.F.R. § 164.526(a)(1). OhioHealth must permit an individual to request that OhioHealth amend the PHI maintained in the designated record set, and OhioHealth may require individuals to make requests for amendment in writing and to provide a reason to support a requested amendment, provided that it informs individuals in advance of such requirements. 45 C.F.R. § 164.526(b)(1).

Receipt of an Amendment Request

OhioHealth must act on the individual's request for an amendment no later than 60 days after receipt of such a request. 45 C.F.R. § 164.526(b)(2)(i). If OhioHealth is unable to act upon the request within this time period, it may extend the time for such action by no more than 30 days, provided that OhioHealth, no later than 60 days after receipt of the request, provides the individual with the reason(s) for the delay in writing and the date by which it will complete its action on the request. OhioHealth may have only one such extension of time on a request for an amendment.

OhioHealth may respond to an individual's request for an amendment by either accepting or denying the requested amendment. If OhioHealth grants the requested amendment, in whole or in part, OhioHealth must make the amendment to the affected records, in the manner prescribed at 45 C.F.R. § 164.526 (c)(1); inform the individual, in the manner prescribed at 45 C.F.R. § 164.526(c)(3).

Denial of Amendment Request

OhioHealth may deny the request for an amendment if it determines that the PHI or record that is the subject of the request is not part of the designated record set; would not be available for inspection under 45 C.F.R. § 164.524 (access of individuals to protected health information); is accurate and complete; or was not created by OhioHealth, unless the individual provides a reasonable basis to believe that the originator of the PHI is no longer available to act on the requested amendment. 45 C.F.R. § 164.526(a)(2).

If OhioHealth denies the requested amendment, in whole or in part, it must provide the individual with a timely, written denial. The denial must be in plain language and contain: 1) the basis for the denial; 2) the individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement; 3) a statement that, if the individual does not submit a statement of disagreement, the individual may request that

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OhioHealth provide the individual's request for amendment and the denial with any future disclosures of the PHI that is the subject of the amendment; and 4) a description of how the individual may complain to OhioHealth and to OCR, including the name, or title, and telephone number of the contact person or office designated by OhioHealth to be responsible to receive Privacy Rule complaints. 45 C.F.R. § 164.526(d)(1). OhioHealth may reasonably limit the length of a statement of disagreement.

Statement of Disagreement

OhioHealth may prepare a written rebuttal to the individual's statement of disagreement. Whenever such a rebuttal is prepared, OhioHealth must provide a copy to the individual who submitted the statement of disagreement. 45 C.F.R. § 164.526(d)(3).

The Privacy Rule also sets forth provisions related to recordkeeping and identification of the record or PHI that is the subject of the disputed amendment (45 C.F.R. § 164.526(d)(4)) and relating to future disclosures of the statement of disagreement (45 C.F.R. § 164.526(d)(5)).

Personal Representatives

Pursuant to 45 C.F.R. § 164.502(g)(1), OhioHealth must treat an individual's personal representative as the individual for purposes of the Privacy Rule. That is, an individual's personal representative has the right to have OhioHealth amend PHI or a record about the individual in the designated record set for as long as the PHI is maintained in the designated record set.

- For adults or emancipated minors, a personal representative is a person who has the authority to make decisions related to health care for the adult or emancipated minor. 45 C.F.R § 164.502 (g)(2).
- For unemancipated minors, a personal representative is a parent, guardian, or other person acting *in loco parentis* who has the authority to make decisions related to health care for the unemancipated minor. 45 C.F.R. § 164.502(g)(3).
- For deceased individuals, a personal representative is an executor, administrator, or other person who has the authority to act on behalf of the deceased individual or the deceased individual's estate. 45 C.F.R. § 164.502(g)(4).

For additional information, refer to OhioHealth's *Patient Privacy: Patient Request for Amendment of Protected Health Information (PHI) Policy (OH.POLA-410.017)*

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Medical Record Requests

Why?

The Health Insurance Portability and Accountability Act (HIPAA) grants patients several rights, including the right to obtain copies of their PHI located in Designated Record Sets. The most common request is for medical records. HIPAA requires OhioHealth to provide patients or their legal representatives with their medical records in the format they request. In other words, patients or their legal representatives may ask for their medical records on paper or electronically and OhioHealth must accommodate the request if we are able to do so. HIPAA also requires OhioHealth to provide medical records as soon as possible, but no longer than 30 days in most cases.

How?

Patients or their legal representatives may request medical records via MyChart, on-line, fax, mail, or at any one of the OhioHealth Health Information Management (Medical Record) locations (see pg. 2). Additional information can be found at <https://www.ohiohealth.com/patients-and-visitors/access-your-medical-record> (or search OhioHealth medical record request in an internet search engine such as Google).

- **MyChart:** OhioHealth's patient portal, allows patients to view their medical records that are stored in EPIC. Patients may also request copies of medical records, including paper records, through MyChart. Patients may request OhioHealth MyChart at OhioHealth's website or by calling 844-646-9242.
- **Online:** Patients or legal representatives may request medical records via an on-line portal. In most cases, medical records can be downloaded for free in a matter of minutes.
- **Email, Fax or Mail:** Patients may download an Authorization to Release Medical Records on OhioHealth's website. Patients may call Health Information Management or email to request that an Authorization to Release Medical Records form be mailed or emailed them. Directions for how to return the Authorization will be provided. Assistance in completing the form is also available.
- **In Person: Most** OhioHealth locations have a Health Information Management team member to assist patient in completing their request for medical records. Most medical record requests cannot be fulfilled on the same day. Patients or their legal representatives do not need to travel to an OhioHealth location to receive medical records. Additionally, if a person travels to a location, he/she may request medical records for care provided at any or all of OhioHealth locations.

Important things to know

- Patients may request medical records from different OhioHealth locations or several dates of service at the same time.
- It is helpful to have as much information as possible about the medical records needed, **but it is not required!** Remember, a patient may not remember the name of the clinic where he/she received care.

What if the patient believes the medical record is incorrect?

Amendment Requests: Patients and their legal representatives can request to correct the medical record. OhioHealth asks that patients or the legal representative complete a Request to Amend Protected Health Information form that is available on OhioHealth's web site.

Health Information Management Locations

Call any location below for questions or additional information

Email at: release-of-information@ohiohealth.com

Riverside Methodist Hospital

3535 Olentangy River Rd.
Columbus, OH 43214
(614) 566-5444

Grant Medical Center

111 S. Grant Ave.
Columbus, OH 43215
(614) 566-9730

Marion General Hospital

1000 McKinley Park Dr.
Marion, OH 43302
(740) 375-6088

Doctors Hospital

5100 W Broad St
Columbus, OH 43228
(614) 544-1015

Dublin Methodist Hospital

7500 Hospital Drive
Dublin, OH 43017
(614) 544-5541

O'Bleness Hospital

55 Hospital Dr.
Athens, OH 45701
(740) 592-9387

Mansfield Hospital

335 Glessner Ave.
Mansfield, OH 44903
(419) 526-8525