



FAQ about a Patient Request to Amend or Correct a Health Record

Can a patient request a change to their health records? Yes, HIPAA provides patients with the right to request amendments and recognizes that in some situations they are appropriate and in others they are not. Patients are informed of this right in the *ANMC Notice of Privacy Practices*. By regulation, these requests must be responded to within 60 days.

How are these requests made? ANMC needs a written request from the Patient that describes the change that the patient is requesting that we make and the reason for the amendment. There is an *ANMC Request for Amendment to Protected Health Information* form (available to the public on the ANMC website or at the ANTHC Health Information Management department), but this form does not need to be used as long as the request is made in writing and contains the same information that is requested on the form, including the patient's signature.

Requests for amendment should be sent to ANMC Health Information Management (HIM). HIM will review each request to make sure that the record that the patient would like to have amended is an ANMC record. HIM also verifies that the requestor is actually the patient or someone authorized to act on behalf of the patient (a patient representative).

What is a Provider's role in reviewing requests for an amendment? After its initial review, HIM will notify the Provider who created the record of the request for amendment and ask them to review the request. If the creating Provider is not available, an alternative provider may conduct the review. The Provider's review determines whether the request should be granted or denied. Because there is a regulatory timeframe for these requests, it is very helpful if Providers respond promptly to HIM's notifications.

When is it appropriate to grant an amendment? If a request would correct an error or clarify information in the medical record, it should be granted.

- A common error is where social history is not fully updated at the visit and the outdated information is carried over. It is important to ensure that all information is up-to-date and accurate at each visit. *For example*, a former smoker will be upset if their social history is not updated to reflect that they have quit tobacco use and this may have an impact on their care plan if not corrected.
- Another situation that may cause errors is where a patient is asked a compound question. *For example*: A patient is asked "Do you use drugs or alcohol?" and the medical record reflects that "Patient states she uses drugs and alcohol." The patient may request an amendment to clarify that she answered "yes" because she drinks alcohol, but does not use drugs.

Does granting an amendment create liability? No. Granting an amendment is not necessarily an admission of an error in medical judgment and would not create liability where none existed.



When is it appropriate to deny an amendment? A Provider should never feel as though they must change an accurate medical record based on a patient request: If the Provider does not believe that the record is wrong or is confusing, then it is appropriate to deny a request. Patients sometimes request that information or diagnosis that they feel is embarrassing be removed, such as information related to drug use or sexual activity. However, if this information is accurate, then it should not be removed.

What if I agree that some of the requested changes are appropriate, but not all of them? A Provider can grant any portion of the requested change. Requests do not need to be granted in full, and can be approved in part.

What does a Provider do after making a determination to grant or deny an amendment?

- The Provider should inform HIM of their determination. HIM will send a letter to the Patient explaining the decision. If the amendment has been granted, HIM will follow up to make sure that the amendment or addendum is included in all places where the record is stored.
- Where a denial is appropriate, the Provider should also consider having a follow up conversation with the Patient to explain the record. Many requests are based on misunderstandings of medical documentation and a discussion might resolve the concern. Customer Service can be helpful in having these conversations.

Can a Patient appeal a denial of a request to amend a record? For any request denied, in whole or in part, a Patient has a right to submit a written statement of disagreement that includes the basis of the disagreement. The Privacy Officer (Chief Ethics and Compliance Officer) is responsible for reviewing statements of disagreement to determine whether the request should be reviewed by an uninvolved third party. An “uninvolved third party” is an individual in a leadership position who has not been involved in the original review of the request.

Where can I get more information? The amendment process is described in the “Patient Right to Request to Amend Health Information Procedure” #1008- 002. You can also reach out to the Privacy Officer if you have questions. The current Privacy Officer is Kyan Olanna, Chief Ethics and Compliance Officer, available at kolanna@anthc.org.