

McHenry Medical Group
1541 Florida Avenue, Suite 200
Modesto, CA 95350

Policy for Patient Requests to Amend Their Medical Record

Under the HIPAA privacy rule an individual has the right to request that a covered entity amend his or her health information. McHenry Medical Group will require the individual to make such requests on McHenry Medical Groups “Request for Correction/Amendment of Protected Health Information” form. The requester must be notified upon requesting an amendment that the policy is to fill out the official request form and they must provide a reason to support the amendment they are asking for.

The physician may deny the request if the health information that is the subject of the request:

- Was not created by the covered entity, unless the originator is no longer available to act on the request
- Is not part of the individual’s health record
- Would not be accessible to the individual for the reasons stated above
- Is accurate and complete

McHenry Medical Group must act on the individual’s request for amendment no later than 60 days after receipt of the amendment. Provided McHenry Medical gives the individual a written statement of the reason for the delay, and the date by which the amendment will be processed, McHenry Medical may have a one-time extension of up to 30 days for an amendment request.

If the request is granted, McHenry Medical must:

- Insert the amendment or provide a link to the amendment at the site of the information that is the subject of the request for amendment
- Inform the individual that the amendment is accepted
- Obtain the individual’s identification of and agreement to have McHenry Medical
- notify the relevant persons with whom the amendment needs to be shared
- Within a reasonable time frame, make reasonable efforts to provide the amendment to persons identified by the individual, and persons, including business associates, that McHenry Medical knows have the protected health information that is the subject of the amendment and that may have relied on or could foreseeably rely on the information to the detriment of the individual

If McHenry Medical denies the requested amendment, it must provide the individual with a timely, written denial written in plain language that contains:

- The basis for the denial
- The individual’s right to submit a written statement disagreeing with the denial and how the individual may file such a statement

- A statement that if the individual does not submit a statement of disagreement, the individual may request that McHenry Medical provide the individual's request for amendment and the denial with any future disclosures of protected health information
- A description of how the individual may complain to McHenry Medical or the Secretary of Health and Human Services
- The name or title and telephone number of the designated contact person who handles complaints for McHenry Medical Group

McHenry Medical must permit the individual to submit to McHenry Medical a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. McHenry Medical may reasonably limit the length of a statement of disagreement.

McHenry Medical may prepare a written rebuttal to the individual's statement of disagreement. Whenever such a rebuttal is prepared, McHenry Medical must provide a copy to the individual who submitted the statement of disagreement.

McHenry Medical must, as appropriate, identify the record of protected health information that is the subject of the disputed amendment and append or otherwise link the individual's request for an amendment, McHenry Medical's denial of the request, the individual's statement of disagreement, if any, and McHenry Medical's rebuttal, if any.

If a statement of disagreement has been submitted by the individual, McHenry Medical must include the material appended or an accurate summary of such information with any subsequent disclosure of the protected health information to which the disagreement related.

If the individual has not submitted a written statement of disagreement, McHenry Medical must include the individual's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of protected health information only if the individual has requested such action.

When a subsequent disclosure is made using a standard transaction that does not permit the additional material to be included, McHenry Medical may separately transmit the material required.

If McHenry Medical is informed by another covered entity of an amendment to an individual's protected health information, McHenry Medical must amend the protected health information in written or electronic form.

McHenry Medical must document the titles for the persons or offices responsible for receiving and processing requests for amendment.