

PARTNERSHIP HEALTHPLAN OF CALIFORNIA
POLICY / PROCEDURE

Policy/Procedure Number: CMP-15 (Formerly ADM-13)			Lead Department: Administration	
Policy/Procedure Title: Amendment of Member's Protected Health Information			<input checked="" type="checkbox"/> External Policy <input checked="" type="checkbox"/> Internal Policy	
Original Date: 04/01/2003		Next Review Date: 05/15/2026 Last Review Date: 05/15/2025		
Applies to:	<input checked="" type="checkbox"/> Medi-Cal	<input type="checkbox"/> Healthy Kids	<input checked="" type="checkbox"/> Employees	
Reviewing Entities:	<input type="checkbox"/> IQI	<input type="checkbox"/> P & T	<input type="checkbox"/> QUAC	
	<input type="checkbox"/> OPERATIONS	<input type="checkbox"/> EXECUTIVE	<input type="checkbox"/> COMPLIANCE	<input checked="" type="checkbox"/> DEPARTMENT
Approving Entities:	<input type="checkbox"/> BOARD	<input checked="" type="checkbox"/> COMPLIANCE	<input type="checkbox"/> FINANCE	<input type="checkbox"/> PAC
	<input checked="" type="checkbox"/> CEO	<input type="checkbox"/> COO	<input type="checkbox"/> CREDENTIALING	<input type="checkbox"/> DEPT. DIRECTOR/OFFICER
Approval Signature: Sonja Bjork, CEO			Approval Date: 05/15/2025	

I. RELATED POLICIES:

CMP42 Member Rights of Access to Records in the Designated Record Set

II. IMPACTED DEPTS.:

All

III. DEFINITIONS:

A. Per 45 CFR 164.526 a Designated Record Set means:

1. A group of records maintained by or for a covered entity that is:
 - a. The medical records and billing records about individuals maintained by or for a covered entity;
 - b. The enrollment, payment, claims adjudication, and case or medical management records systems maintained by or for a health plan; or
 - c. Used, in whole or in part, by or for the covered entity to make decisions about individuals.
2. For purposes of this Policy, the term record means any item, collection, or grouping of information that includes protected health information and is maintained, collected, used, or disseminated by or for a covered entity.

IV. ATTACHMENTS:

N/A

V. PURPOSE:

To provide guidelines for assisting members who wish to submit a statement of amendment to any records in a Designated Record Sets created and maintained by Partnership HealthPlan of California (PHC).

VI. POLICY / PROCEDURE:

A. Policy.

Any PHC member has the right to submit a request to amend their PHI, for as long as the information is maintained in PHC's designated record sets.

B. Procedure.

1. Confirm the individual's identity. PHC staff must make reasonable efforts to verify the identity of the member making the request. If the request is received from the member's personal or authorized representative, PHC staff shall verify or acquire their status as representative and in accordance with PHC policies and procedures.
2. Members' requirements. PHC staff will inform the member that the amendment request must be in writing, and the request must include a reason to support making the amendment.
3. Timely response to requests. PHC staff shall immediately submit the member's amendment request

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to PHC's Privacy Officer for review. The Privacy Officer, or authorized designee, is responsible for determining, in coordination with a designated health professional, as applicable, if the member's request is accepted or denied and in accordance with 45 CFR §164.526(b)(2), shall provide a written response to the member within the required 60 day timeframe. If PHC is unable to act on the request within the 60 day timeframe, PHC may extend the action by no more than 30 days if:

- a. Within the initial 60 days, PHC provides the requesting individual with a written statement of the reasons for the delay and the date by which PHC will complete action on the request; and
 - b. PHC may have only one such extension for an individual request for amendment...
4. Acceptance of Amendment Procedure:
- If the Privacy Officer grants the requested amendment, in whole or in part, they must direct PHC staff to take the following actions:
- i. PHC must make the appropriate amendment to the PHI or records that is the subject of the request for amendment by, at a minimum, identifying the records in the designated records set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.
 - ii. PHC must timely inform the member in accordance with section B. (3.) above, that the amendment is accepted and obtain the member's identification of the relevant persons with which the amendment needs to be shared and the member's agreement to have PHC notify the relevant parties.
 - iii. PHC must make reasonable efforts to inform and provide the amendment within a reasonable time to:
 - a) Persons, identified by the member as having received PHI about the member needing amendment; and
 - b) Persons, including business associates, that PHC knows are in possession of the PHI that is the subject of the amendment and that may have relied, or could have relied on such information to the detriment of the member.
5. Denial of Amendment Procedure:
- a. In accordance with 45 CFR 164.526 (a)(2) PHC may deny a member's request for amendment, if it determines that the PHI or record that is the subject of the request:
 - i. Was not created by PHC, unless the member provides a reasonable basis to believe that the originator of PHI is no longer available to act on the requested amendment;
 - ii. It is not part of the designated record set;
 - iii. Would not be available for inspection under 45 CFR §164.524; or
 - iv. Is accurate and complete.
 - b. In accordance with 45 CFR 164.526 (d)(1) PHC shall provide the member with a written denial which must be written in plain language and contain:
 - i. The basis for the denial;
 - ii. The member's right to submit a written statement disagreeing with the denial and how the individual may file such a statement;
 - iii. A statement that, if the member does not submit a statement of disagreement, the member may request that PHC provide the member's request for amendment and the denial with any future disclosures of the PHI that is the subject of the amendment; and
 - iv. A description of how the individual may complain to PHC or the Secretary pursuant to 45 CFR §164.530(d), 160.306, and 160.530(a)(1)(ii) and in compliance with PHC policy and procedure CGA 024 Medi-Cal Member Grievance System.
 - v. PHC must permit the member to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. PHC may reasonably limit the length of a statement of disagreement.
 - vi. PHC may prepare a written rebuttal to the member's statement of disagreement. Whenever

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- a rebuttal is prepared, PHC must provide a copy to the member.
- vii. PHC must, as appropriate, identify the record or PHI in the designated record set that is the subject of the disputed amendment and append or otherwise link the individual's request for an amendment, PHC's denial of the request, the member's statement of disagreement, if any, and PHC's rebuttal, if any to the designated record set.
- viii. Future Disclosures:
 - a) If a statement of disagreement has been submitted by the member, PHC must include the material appended in above section, or an accurate summary of any such information, with any subsequent disclosure of the PHI to which the disagreement relates.
 - b) If the member has not submitted a written statement of disagreement, PHC must include the member's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI if the member requested such action.
- xi. When PHC is informed by another covered entity of an amendment to a member's PHI, PHC must amend the PHI in designated records sets as provided by section B. (4.), above.
- xii. PHC must document the titles of the persons or offices responsible for receiving and processing requests for amendments by individuals and retain the documentation as required by 45 CFR § 164.530(j).

VII. REFERENCES:

45 CFR §164.501
 45 CFR §164.524
 45 CFR §164.526
 45 CFR §164.530

VIII. DISTRIBUTION:

A. PowerDMS
 B. Directors

IX. POSITION RESPONSIBLE FOR IMPLEMENTING PROCEDURE:

Privacy Officer

X. REVISION DATES:

Medi-Cal

01/11/2005, 06/18/2010, 12/06/2011, 12/04/2012, 03/26/2013, 12/01/2015, 12/06/2016, 05/17/2017, 05/24/2018, 05/16/2019, 02/20/2020, 02/18/2021, 02/17/2022, 05/19/2022, 5/18/2023, 5/16/2024, 5/15/2025

PREVIOUSLY APPLIED TO:

Partnership Advantage:

CMP-15 - 06/01/2006 to 01/01/2015

Healthy Families:

CMP-15 - 10/01/2010 to 03/01/2013

Healthy Kids

CMP-15 – 1/1/2015 to 12/01/2016