



### 11.3.2 Right To Amend Patient Health Information

Chapter 11 - Patient Privacy	Original Effective Date: April 2003
Section: 11.3 Individual Rights to Privacy of Protected Health Information	Date Last Reviewed: January 2023
Responsible Entity: Chief Compliance and Privacy Officer	Date Last Revised: January 2023

#### I. Purpose

Patients have the right to request amendment of information collected and maintained about them in their designated record set if they believe information is incomplete or inaccurate.

#### II. Scope

This policy applies to all faculty, staff, students, residents, healthcare providers, researchers, contractors, or any other individual (collectively, Workforce Member, including employees and non-employees) who has direct or indirect access to patient protected health information (PHI) created, held, or maintained by any UT Health San Antonio controlled affiliate, including, but not limited to its clinics, hospitals, and research operations.

#### III. Policy

##### A. Processing a Request

1. An individual has the right to request UT Health San Antonio amend patient health information or a record about the individual in the designated record set for as long as the patient health information is maintained in the designated record set. See the Institutional Handbook of Operating Policies (IHOP) policy [11.1.5 Patient Health Records](#) for additional information about the designated record set.
2. UT Health San Antonio must accept all requests to amend patient health information in the designated record set; however, UT Health San Antonio is not required to act on a request and may deny an individual's request for amendment if it is determined that the patient health information or record that is the subject of the request meets the following criteria:
  - a. The health information was not created by UT Health San Antonio, unless the individual provides a reasonable basis to believe that the originator of the

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patient health information is no longer available to act on the requested amendment;

- b. The health information is not part of the designated record set;
  - c. The health information would not be available for inspection according to federal law and IHOP policy [11.3.6 Access to Protected Health Information](#); or,
  - d. The health information contained in the designated record set is accurate and complete as it is.
3. The individual must make a written request to amend the patient health information with a reason to support the requested amendment. The request should be submitted on the [Request for Amendment of Health Information](#) form. The custodian of the official medical record is responsible for receiving and processing requests for amendments by individuals or a patient's personal representative.
  4. UT Health San Antonio must act on a request for an amendment no later than 60 days after receipt of such a request. If UT Health San Antonio is unable to act on the amendment within the required 60 day limit, UT Health San Antonio may extend the time for such action by no more than 30 days, provided the individual is provided with a written statement of the reason for the delay and the date by which action on the request will be completed. UT Health San Antonio may have only one such extension of time for action on a request for an amendment.

#### B. Granting a Request

1. If a request for amendment is granted, in whole or in part, UT Health San Antonio must make appropriate amendment to the patient health information or record that is the subject of the request by, at a minimum, identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link, particularly in regard to electronic health records, to the location of the amendment.
2. UT Health San Antonio must inform the individual in a timely manner that the amendment request is accepted and obtain the individual's identification of an agreement to have UT Health San Antonio notify the relevant persons with which the amendment needs to be shared.
3. UT Health San Antonio must make reasonable efforts to inform and provide the amendment within a reasonable time to:
  - a. Persons identified by the individual as having received patient health information about the individual as needing the amendment; and,
  - b. Persons, including business associates, who are known to have the patient health information that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the individual.

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4. When UT Health San Antonio accepts an amendment, it does not remove, obliterate, or alter existing patient health information in the patient record.
5. The completed amendment form should be filed with or in the patient's health record and maintained according to UT Health San Antonio's [records retention schedule](#).

#### C. Denying a Request

1. If the requested amendment is denied, in whole or in part, UT Health San Antonio must provide the individual with a timely, written denial using the [Amendment Denial Letter](#) template. The denial must use plain language and contain:
  - a. The basis for the denial, in accordance with criteria listed in this policy under [Processing a Request](#).
  - b. The individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement.
  - c. A statement that, if the individual does not submit a statement of disagreement, the individual may request that UT Health San Antonio provide the individual's request for amendment and the denial with any future disclosures of the patient health information that is the subject of the amendment; and,
  - d. A description of how the individual may complain to UT Health San Antonio or the Secretary of Department of Health and Human Services in accordance with UT Health San Antonio's privacy complaint process.
2. Additionally for denials:
  - a. UT Health San Antonio must permit the individual to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. The length of the statement of disagreement may be reasonably limited.
  - b. UT Health San Antonio may prepare a written rebuttal to the individual's statement of disagreement. Whenever such a rebuttal is prepared, a copy must be provided to the individual who submitted the statement of disagreement; and,
  - c. UT Health San Antonio must, as appropriate, identify the record or patient health information 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, the denial of the request, the individual's statement of disagreement, if any, and the rebuttal, if any, to the designated record set. The completed amendment form should generally be retained and filed within the patient's health record for a period of six years.

#### D. Future Disclosures

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1. If an individual has submitted a statement of disagreement, UT Health San Antonio must include all material related to the amendment or an accurate summary of any such information, with a subsequent disclosure of the patient health information to which the disagreement relates.
2. If the individual has not submitted a written statement or disagreement, UT Health San Antonio must include the individual's request for amendment and its denial or an accurate summary of such information, with any subsequent disclosure of the patient health information only if the individual had requested such action.
3. When UT Health San Antonio makes a subsequent disclosure using a standard transaction that does not permit the additional material to be included with the disclosure, UT Health San Antonio may separately transmit the material required to the recipient of the standard transaction.

#### E. Note of Amendment from Other Entities

1. If UT Health San Antonio is informed by another provider or payor of an amendment made to an individual's patient health information within the outside entity's designated record set, UT Health San Antonio must amend the patient health information in designated records sets that have been received from that outside entity.
2. UT Health San Antonio is not required to amend the patient health information in UT Health San Antonio's designated record set based on an outside determination, unless UT Health San Antonio has relied on the outside entity's findings.
3. Health Information Management (HIM) will be responsible for processing amendment requests.

## IV. Definitions

*Terms used in this document have the meaning set forth in the [Patient Privacy Policies Glossary](#) unless a different meaning is required by context.*

## V. Related References

For questions regarding this policy, contact the Privacy Program Director at 210-567-2014 or email [compliance@uthscsa.edu](mailto:compliance@uthscsa.edu).

Office of Civil Rights (OCR), *Denying the Amendment* (§164.526(a)(2)),(2015, November 8). Audit Protocol. HHS.gov

Code of Federal Regulations (45CFR Section 164.501),  
<https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-C/part-164>

## VI. Review and Approval History

- A. The approving authority of this policy is the University Executive Committee.

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- B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

<b>Effective Date</b>	<b>Action Taken</b>	<b>Approved By</b>	<b>Date Approved</b>
04/2003	Policy Origination		
03/2013	Policy Revision		
02/2016	Policy Revision		
01/2023	Policy Review	ICPO	01/13/23