

## STANDARD ADMINISTRATIVE PROCEDURE

### **16.99.99.M0.12 Patient Request to Amend Protected Health Information**

*Approved April 27, 2020*

*Next scheduled review: April 27, 2025*

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#### **SAP Statement**

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This standard administrative procedure applies to the Texas A&M University (TAMU) components that have been designated as a TAMU HIPAA Health Care Component (TAMU HIPAA HCC) in Standard Administrative Procedure 16.99.99.M0.01, *Designation as a Hybrid Entity*.

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#### **Definitions**

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#### **Official Procedure**

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##### **1. GENERAL**

Patients have a right to request that the TAMU HIPAA HCC amend health information contained in records that may be used to make decisions about the patient. The TAMU HIPAA HCC has strict policies and procedures about how and when patient requests for amendment of records will be granted or denied. Therefore, for records maintained by the TAMU HIPAA HCC, patients should be directed to submit requests for amendment of medical records to the TAMU HIPAA HCC. The TAMU HIPAA HCC may respond to the patient about his/her request. The request should be processed in a timely and respectful manner in accordance with the procedures below

##### **1.1 Required Elements in TAMU HIPAA HCCs' Procedures:**

- 1.1.1 TAMU HIPAA HCCs must implement written policies and procedures regarding amendments to PHI that comply with the provisions of 45 CFR § 164.526 and must address the following elements:

- 1.1.1.1 Process for reviewing a request to amend;
- 1.1.1.2 Whether the request to amend must be in writing and be accompanied by required forms, if any, for the request;
- 1.1.1.3 Process for requesting an extension of time to act on amendments, if necessary;
- 1.1.1.4 Process for amending the record and notifying the individual and others of the amendment;
- 1.1.1.5 Process for denial of a request to amend; and
- 1.1.1.6 Process for permitting an individual to submit a written statement disagreeing with a denial of a request to amend the record.

1.1.2 TAMU HIPAA HCCs may establish mechanisms to streamline the process of amendments to the record in order to facilitate payment and health care operations (e.g., change of address, health insurance, and contact information).

## 1.2 Role of the TAMU Privacy Officer

1.2.1 Upon receipt of a request to amend PHI which the TAMU HIPAA HCC believes may result in a denial of the request, TAMU HIPAA HCCs must immediately contact the TAMU Privacy Officer to review the request and follow its determination.

## 1.3 Documentation

1.3.1 TAMU HIPAA HCCs and the TAMU Privacy Officer must maintain documentation of requests to amend PHI in compliance with 45 CFR § 164.530, Texas statutes on public records, and SAP 61.99.01.M0.01, *Records Management*.

## 1.4 Business Associates

1.4.1 Generally, Business Associates are required to inform the Hybrid Entity of any requests to amend PHI and should not amend the PHI unless the Business Associate Agreement states otherwise.

## 2. VIOLATIONS

The TAMU Privacy Officer has general responsibility for implementation of this procedure. Employees who violate this procedure will be subject to disciplinary action up to and including termination of employment. Anyone who knows or has reason to believe

that another person has violated this procedure should report the matter promptly to his or her supervisor or the TAMU Privacy Officer. All reported matters will be investigated and, where appropriate, steps will be taken to remedy the situation. Where possible, every effort will be made to handle the reported matter confidentially. Any attempt to retaliate against a person for reporting a violation of this procedure will itself be considered a violation of this procedure that may result in disciplinary action up to and including termination of employment.

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## **Contact Office**

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**Office of University Risk, Ethics, and Compliance**