

MHC Policies & Procedures, Proprietary and Confidential			
Reviewed: RR	Member Requests to Amend PHI	Date: 10/01/13	Rev: 0
Approved: LT		Dept: Compliance	
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AUTHORITY: Compliance Officer

RESPONSIBILITY: MHC Staff

LAST REVIEW DATE: 08/06/2019; Review Frequency 1 Year

PURPOSE OF PROCEDURE: To ensure a process for responding to a member's request for an amendment to Protected Health Information ("PHI")

POLICY STATEMENT: A member has the right to request that the CO-OP amend his/her PHI for as long as the PHI is maintained by the CO-OP. It is MHC's policy to respond to a member's request for amendment of PHI in accordance with the HIPAA Privacy Rule. This policy contains the procedures for approving an amendment or denying an amendment.

PROCEDURE

1.1. The member is notified of the right to amend his PHI in the Notice of Privacy Practices

The CO-OP Compliance Officer processes all requests for amendment received by the CO-OP

1.2. Upon receiving an inquiry from a member regarding the right to amend his/her PHI, the Compliance Officer provides the member with a copy of the Notice of Privacy Practices which provides that the member must submit a request for an amendment to his/her PHI in writing and provide the reason(s) which support the request

1.3. A request for amendment is not evaluated until the request is made in writing, provides the basis for the requested change and signed is by the member or the member's legal personal representative

Evaluating and Responding to the Request for Amendment

2.1. The Compliance Officer date stamps or writes the date received and initial the written request for amendment of PHI

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- 2.2. The Compliance Officer decides to accept or deny the amendment after consultation with the appropriate staff, if needed.
- 2.3. The Compliance Officer shall act on the request for amendment no later than 60 days after receipt of the request

If the amendment is accepted, CO-OP staff shall make the amendment and inform the member and any affected Business Associates of the CO-OP within 60 days of the written request

If the amendment is denied, the CO-OP shall notify the member in writing of the denial within 60 days of the written request

Denial of Request for Amendment

- 3.1. The CO-OP may deny the request for amendment in whole or in part if:
 - The request is not submitted in writing or fails to provide a reason to support the request
 - The PHI was not created by the CO-OP. An exception may be granted if the member provides a reasonable basis to believe that the creator of the PHI is no longer available to act on the requested amendment and it is apparent that the amendment is warranted
 - The requested change is not part of the PHI maintained by the CO-OP
 - The PHI would not be available for inspection or copying by the member

The PHI that is subject to the request is accurate and complete
- 3.2. If the Compliance Officer, in consultation with the appropriate staff, determines that the request for amendment is denied in whole or in part, the Compliance Officer provides the member with a timely amendment denial letter
- 3.3. The denial shall be written in plain language and shall contain:
 - The basis for the denial
 - A statement that the member has a right to submit a written statement disagreeing with the denial and an explanation of how the member may file such statement
 - A statement that, if the member does not submit a statement of disagreement, the member may request that the CO-OP include the member's request for amendment and the denial with any future disclosures of the PHI that is the subject of the amendment

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A description of how the member may file a complaint with the CO-OP or to the Secretary of the U.S. Department of Health and Human Services

The description must include the name or title and telephone number of the contact person for complaints

- 3.4. If the request for amendment is denied, the member may submit a written statement of disagreement
- 3.5. If the member submits a written statement of disagreement, the CO-OP may prepare a written rebuttal to the statement

The CO-OP shall provide a copy of the written rebuttal to the member who submitted the statement

Future Disclosures of PHI that is the Subject of the Disputed Amendment

- 4.1. If the member submitted a statement of disagreement, the CO-OP discloses all information listed above or an accurate summary of such information with all future disclosures of the PHI to which the disagreement relates
- 4.2. If the member did not submit a statement of disagreement, and if the member has requested that the CO-OP provide the written Amendment of PHI request and the amendment denial letter with any future disclosures, the CO-OP shall include these documents (or an accurate summary of that information) with all future disclosures of the PHI to which the disagreement relates

Acceptance of the Request for Amendment

- 5.1. If the CO-OP accepts the requested amendment, in whole or in part, the CO-OP takes the following steps:
 - The CO-OP shall notify the member in writing of the acceptance and the specific amendment that has been or is made
 - The CO-OP Compliance Officer shall place a copy of the amendment in the member's record or provide a reference to the location of the amendment within the body of the member's record
 - The Compliance Officer shall notify the relevant persons with whom the amendment needs to be shared, as identified by the member in his/her written request for Amendment of PHI, and to any affected Business Associates of the CO-OP