

REQUESTS TO AMEND MEDICAL RECORDS

GENERAL RULE

Employees of the Waterloo Community School District shall have the right to request an amendment to their protected health information or a record in a designated record set for as long as the protected health information is maintained. A designated record includes the following information:

- Medical records and billing records about individuals maintained by or for a covered health care provider;
- Enrollment, payment, claims adjudication, and case or medical management records systems maintained by or for a health plan; or
- Records used, in whole or in part, by the organization to make a decision about an individual.

All requests for amendments must be submitted in writing to the district Contact Person and include the reason(s) to support the requested amendment.

The Waterloo Community School District may respond to the request(s) for amendments by requesting an extension, agreeing to accept the request or denying the request.

RESPONDING TO REQUESTS FOR AMENDMENTS

The Waterloo Community School District shall act on an individual's request for amendment within 60 days after receipt by doing one of the following:

1. Requesting an Extension

If the district is unable to act on the amendment within the required time provided, the district may extend the time for such action by no more than 30 days. To request the extension, the district must provide the individual, within the original timeframe, a written statement explaining the reason(s) for the delay and the date by which the district will complete the request. Only one extension of time will be allowed for each request.

2. Granting the Amendment

If the Waterloo Community School District grants the requested amendment, in whole or in part, it must do the following:

a. Make the amendment

The district must make the appropriate amendment to the protected health information or record that is the subject of the request for amendment 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 to the location of the amendment.

b. Inform the individual

The district must, in a timely manner, inform the individual that the amendment is accepted. In addition, the individual should provide the district with the identification of any relevant people with whom the amendment should be shared, and agreement to have the Waterloo Schools notify the relevant people with the amendment.

c. Inform others

The district must make reasonable efforts to inform and provide the amendment within a reasonable time to:

- 1) People identified by the individual as having received protected health information about him or her and who need the amendment; and
- 2) People, including business associates, who your organization knows have protected health information that is subject to the amendment and who have relied or may rely on the information to the detriment of the individual.

3. Denying the Request

a. Grounds for Denial

The district may deny an individual's request for amendment, if it determines that the protected health information or record that is the subject of the request:

- 1) Was not created by the Waterloo Community School District, except if the individual provides a reasonable explanation that the originator of protected health information is no longer available to act on the requested amendment.
- 2) Is not part of the designated record set;
- 3) Would not be available for access, such as psychotherapy notes; information compiled in reasonable anticipation of or use in a civil, criminal or administrative action or proceeding; or protected health information maintained that is subject to or exempt from the Clinical Laboratory Improvement Amendments of 1988; or
- 4) Is accurate and complete.

b. Denying the Requests

If the district denies the requested amendment, in whole or in part, it must provide the individual with a written denial as follows:

- 1) The district must provide the individual with a written denial within 60 days from the receipt of the request. The denial must:
 - a) Use plain language.

- b) State the basis for the denial.
- c) Give the individual a right to submit a written statement disagreeing with the denial and how the individual may file such a statement.
- d) State if the individual does not submit a statement of disagreement, he or she may request that the Waterloo Community School District provide the individual's request for amendment and the denial with any future disclosures of the protected health information that is the subject of the amendment.
- e) Describe how the individual may complain pursuant to the district's complaint procedures or to the Secretary of Health and Human Services. The description must include the name or title and telephone number of the contact person or office designated to receive complaints for the organization.

c. Handling Statements of Disagreement

- 1) The Waterloo Community School District 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 district may reasonably limit the length of a statement of disagreement.
- 2) The Waterloo Community School District may prepare a written rebuttal to the individual's statement of disagreement. Whenever such a rebuttal is prepared, the district must provide a copy to the individual who submitted the statement of disagreement.

d. Recordkeeping Requirement

The Waterloo Community School District must, as appropriate, identify the record or protected 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, district's denial of the request, the individual's statement of disagreement, if any, and district's rebuttal, if any, to the designated record set.

e. Future Disclosures

- 1) If a statement of disagreement has been submitted by an individual, the Waterloo Community School District must include the material appended as required above, or at the election of the district, an accurate summary of the information with any subsequent disclosure of the protected health information to which the disagreement relates.
- 2) If the individual has not submitted a written statement of disagreement, the Waterloo Schools must include the individual's request for amendment and its denial, or an accurate summary of the information, with any subsequent

disclosure of the protected health information only if the individual has requested such action.

- 3) When a future disclosure is made using a standard transaction that does not permit the additional material to be included with the disclosure, the Waterloo Community School District may separately transmit the material required to the recipient of the standard transaction.

ACTIONS ON NOTICES OF AMENDMENT

If the Waterloo Schools is informed by another organization of an amendment to an individual's protected health information, the district must amend the protected health information in the individual's designated record set.

At a minimum, the Waterloo Community Schools must identify the records in the designated record set that are affected by the amendment, and append or otherwise provide a link to the location of the amendment.

GENERAL REQUIREMENTS

The Waterloo Community School District must document the titles of the people or offices responsible for receiving and processing requests for amendments by individuals, and retain the documentation in accordance with the district's procedures for policy documentation and retention.

Legal Ref.: Health Insurance Portability and Accountability Act of 1996

ADOPTED: 2/5/04

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