NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES (NNAMHS)

POLICY AND PROCEDURE

SUBJECT: AMENDMENT OF MEDICAL RECORD BY CONSUMER

NUMBER: NN-IM-PS-04

ORIGINAL DATE: 07/18/02

REVIEW/REVISE DATE: 01/04/07, 2/18/10, 12/20/12

APPROVAL: Cody L. Phinney, Agency Director

~~~~~~

I. PURPOSE

To provide a consistent response to a consumer's request to amend Protected Health Information (PHI) in their medical record.

II. POLICY

If a consumer wishes to amend information in their medical record, it shall be done as an addendum, without change to the original entry and shall be clearly identified as an additional document appended to the original entry. An addendum to the record is at the direction of the consumer, who will thereafter bear responsibility for explaining the change. There are no restrictions on when a consumer may make an amendment request.

III. REFERENCES

A. CFR 42.164.524 Access of individuals to protected health information

B. CFR 42.164.526 Amendment of protected health information
~~~~~~

C. NNAMHS Policy NN-IM-MR-01 Consumer Access to Medical Records.

D. NRS 433A.360, NRS 629.021through629.061.

IV. PROCEDURE

1. Upon receipt of an amendment request, NNAMHS will act within 30 days.. If circumstances prevent action within 30-days, NNAMHS may request a 30-day extension by giving a notice to the consumer no later than 30-days after the amendment request was received.
2. Accessing the record:
   a. The consumer will complete the form Patient Request to Inspect Medical Record MR 121 and submit it to Health Information Services (HIS).
   b. The Director of HIS will follow NNAMHS Policy NN-IM-MR-01 and provide the record for the consumer to review and/or receive copies.
3. Request to Amend Health Information MR 253
   a. The consumer will complete MR 253 and submit it to the Director of HIS.
   b. The Director of HIS will give a copy of the form to the consumer and route the original and the medical record to the author of the entry.
   c. The author of the entry will document clarifying/justification comments in the "Clinician Comments" section of MR 253. d. If the author of the entry is not available, MR 253 will be referred to the Medical Director for comments.
   e. The request will be reviewed by the NNAMHS Privacy Officer and a decision will be documented on MR 253 regarding its acceptance or denial.
4. If the request is accepted:
   a. A copy, complete with the decision to accept and with all appropriate signatures, will be sent to the consumer. The original will be placed in the consumer's medical record by the amendment entry.

b. The Director of HIS will make an entry in the medical record at the site of the information that is being amended indicating, See amendment and will date and sign the entry.

c. Copies of MR 253 will be furnished to those individuals or organizations the consumer has indicated on the form.

d. Within a reasonable time and with the consumer's consent, copies of the amendment form will also be furnished to those who have the information subject to the amendment and that may have relied on or could rely on that information to the detriment of the consumer.

e. Disclosure will be noted on the back of MR 253 stating to whom the amendment was sent, the date and signature of staff that processed the disclosure.

f. Whenever a copy of the amended entry is disclosed, a copy of MR 253 will accompany the disclosure.

5. If the request is denied:

   a. NNAMHS may deny the requested amendment for one of the following reasons:

      i) PHI was not generated by NNAMHS.

      ii) PHI is not a part of the consumer's designated record set.

      iii) As required by federal law and Nevada Revised Statutes, a licensed health care provider has determined that the requested access is likely to endanger the emotional or physical safety of the individual or another person.

      iv) PHI is accurate and complete.

   b. Upon completion of MR 253, the Director of HIS will direct placement of the original in the consumer's medical record under the "Consents/legal" tab.

   c. A completed copy with the decision and signatures will be sent to the consumer with instructions on how the consumer may submit a written statement disagreeing with the denial, and how to complain to the United States Department of Health and Human Services Office for Civil Rights. The name, title and phone number of the contact person who handles complaints for NNAMHS will also be sent.
   d. If a consumer's statement of disagreement is received, NNAMHS may prepare a written rebuttal of disagreement to the consumer's statement of disagreement.
   e. If the consumer does not submit a written statement of disagreement, NNAMHS may not release the denied request for amendment with any future release of PHI unless the patient specifically authorizes such release.
6. A log of amendment requests will be maintained by HIS. The log will include:
   a. Consumer name and medical record number
   b. Date of request.
   c. Final decision and who made the decision.
   d. Date amendment process was completed.
7. Quarterly reports will be provided to Leadership and Medical Staff.