

Operational Policy

Policy Title:	Amending Individual Records		
Policy Number:	OHA-100-006		
Original Date:	07/22/2014	Last Update:	10/03/2016
Approved:	Mark Fairbanks, OHA CFO		

Purpose

This policy is one of a series that outlines Oregon Health Authority (OHA) general guidelines and expectations for the necessary collection, use, and disclosure of protected information about individuals in order to provide services and benefits to individuals, while maintaining reasonable safeguards to protect the privacy of protected information.

Description

This policy describes how individuals may request amendment to the designated record set maintained by OHA. All OHA staff should review privacy policies 100-002 through 100-008 to be sure they understand how these policies work together to protect individual privacy.

Applicability

This policy applies to all OHA staff including employees, volunteers, interns and agency contractors.

As keepers of the public trust, all agency employees have a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agency takes this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Employees who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

Policy

1. OHA's designated record set consists of specific information about an individual maintained in agency files or records. The information in a designated record set is used in whole or in part by OHA to make decisions about the individual, consistent with federal and state statute and rule and OHA policy.
2. Individuals have the right to request that OHA amend information in OHA files by completing form MSC 2094 or submitting the request in another manner acceptable to OHA.
3. OHA shall respond to an individual's request for amendment no more than 60 calendar days after receiving the request.
4. If OHA is unable to act on a request for amendment within 60 calendar days, OHA may extend the

time limit up to 30 additional calendar days.

5. When extending the response time OHA shall notify the individual in writing:
 - a. Of the reason for the delay; and
 - b. The date by which OHA will act on the request.
6. When OHA receives a request to amend a health or medical record, the request and any related documentation shall be reviewed by the program's medical director, a licensed health care professional designated by the program administrator, or an OHA staff person involved in the individual's care who shall approve or deny the record amendment.
7. When OHA receives a request to amend information that is not a health or medical record, an OHA staff person designated by the program administrator shall review the request and any related documentation and approve or deny the record amendment.
8. When OHA grants a request to amend, in whole or in part, OHA shall:
 - a. Make the amendment to the file or record.
 - b. Document the file or record to show the amendment was made.
 - c. Provide notice to the individual that the amendment was made and the records updated.
 - d. Ask the individual to complete MSC 2099 in order for OHA to notify partners and business associates about the corrected information.
 - e. Make reasonable efforts to provide the amended information to:
 - i. Persons named by the individual as having received PHI about the individual; and
 - ii. Persons, including business associates of OHA, who have received PHI and may rely on the information that is the subject of the amendment.
9. OHA may deny the individual's request for amendment if:
 - a. OHA finds that the amendment would change information that is accurate and complete.
 - b. The information to be amended was not created by OHA.
 - c. The information is not part of OHA records.
 - d. The individual does not have the right to inspect or access the information.
10. If OHA denies a request for amendment, OHA shall issue a written denial that includes, in plain language:
 - a. A statement of the reason for the denial.
 - b. An explanation of the individual's right to submit a written statement disagreeing with the denial and how to file such a statement.
 - c. An explanation that if the individual does not submit a written statement of disagreement, a copy of the individual's request for amendment and OHA's denial will be included in any future disclosures of relevant health information.
 - d. Information about how the individual may file a complaint with OHA, or with the U.S. Department of Health and Human Services Office for Civil Rights.
11. When an individual submits a written statement of disagreement after the denial of a request to amend health information, OHA shall enter the written statement into the individual's designated record set.
 - a. OHA may enter into the individual's OHA designated record set a written reply to the individual's written statement. OHA shall send or provide a copy of any such written reply to the individual.
 - b. OHA shall include a copy of that statement and any written reply with future disclosures of the information.
12. If OHA policy conflicts with federal or state statute or rule, that statute or rule supersedes unless the OHA policy provides more protection.

References

[ORS 192](#)

[ORS 419A](#)
[45 CFR Part 164](#)
[42 U.S.C. Chapter 114](#)
[42 U.S.C. Chapter 144](#)
[Privacy/Security Glossary of Common Terms](#)

Forms

MSC 2094 Notice of Privacy Practices Acknowledgment of Receipt
MSC 2099 Authorization of Use and Disclosure of Information

Contacts

Information Security and Privacy Office (ISPO)

Phone: 503-945-6812 (Security)

503-945-5780 (Privacy)

Fax: 503-947-5396

dhsinfo.security@state.or.us

dhs.privacyhelp@state.or.us

U. S. Department of Health and Human Services, Office for Civil Rights

Medical Privacy, Complaint Division

200 Independence Avenue, SW

Washington, D.C. 20201

Toll free Phone: 877-696-6775

Phone: 866-627-7748

TTY: 886-788-4989

Email: <mailto:OCRCComplaint@hhs.gov>

Policy History

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Individual privacy, Protected health information, PHI, Protected individual information, PII, Authorization, Designated records set, Amend, Amendment, Record