

# **RESIDENT'S RIGHT TO REQUEST AMENDMENTS TO THEIR PROTECTED HEALTH INFORMATION**

## **POLICY**

Lasata Senior Living Campus shall provide residents an opportunity to amend their **protected health information**, or a record about them which is contained in a **designated record set**, for as long as the information is contained in the designated record set.

Lasata Senior Living Campus may deny a resident's request to amend their protected health information and records only when Lasata Senior Living Campus determines that the protected health information or record that the resident wishes to amend:

- Was not created by Lasata Senior Living Campus, unless the resident provides a reasonable basis to believe that the originator of protected health information is no longer available to act on the requested amendment; or
- Is not part of a designated record set; or
- Is not protected health information or a record the resident has the right to inspect or copy based on a legal exemption to a resident's right to access their records; or
- Is accurate and complete.

## **PROCEDURE**

### **INSTRUCTIONS FOR REQUEST TO AMEND PROTECTED HEALTH INFORMATION**

- A request by a resident to amend protected health information or a record contained in a designated record set shall be made in writing and may be made on the form titled REQUEST FOR AMENDMENT OF PROTECTED HEALTH INFORMATION which is available to residents for this purpose at Lasata Senior Living Campus' Reception Desk and online at [www.lasatacampus.com](http://www.lasatacampus.com).

## PATIENT RIGHTS

- The request to amend must clearly identify the information to be amended and the reason(s) for the amendment that support(s) the requested amendment.
- Requests to amend shall be submitted to the Medical Records office for processing.

### **INSTRUCTIONS FOR PROCESSING REQUESTS TO AMEND PROTECTED HEALTH INFORMATION**

- The Lasata Senior Living Campus' **Notice of Privacy** shall advise residents of the requirement to make a request to amend their protected health information or records in writing, the requirement that the resident provide the reason(s) for the amendment and the availability of the form titled REQUEST FOR AMENDMENT OF PROTECTED HEALTH INFORMATION at Lasata Senior Living Campus' Reception Desk and online at [www.lasatacampus.com](http://www.lasatacampus.com).
- Upon receipt of a written request for amendment, Lasata Senior Living Campus staff shall document the date and time of receipt on the resident's request to amend.
- Lasata Senior Living Campus will act to accept or deny the request to amend as expeditiously as possible, but not later than 60 days after receipt of the written request. If Lasata Senior Living Campus is unable to process a request for amendment within the 60 day deadline, one extension of 30 days will apply if Lasata Senior Living Campus provides a written statement of the reasons for the delay and the date by which action on the request will be completed prior to the expiration of the 60 day deadline. No additional extensions will apply.

If Lasata Senior Living Campus accepts the amendment requested by the resident, in whole or in part:

- Lasata Senior Living Campus shall 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.

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- Lasata Senior Living Campus will timely inform the resident that the amendment is accepted and obtain the resident's identification of and agreement to have Lasata Senior Living Campus notify the relevant persons with which the amendment needs to be shared.
- Lasata Senior Living Campus will make reasonable efforts to inform and provide the amendment within a reasonable time to:
  - Persons identified by the resident as having received protected health information about the resident and needing the amendment; and
  - Persons, including business associates, that Lasata Senior Living Campus knows have the protected health information that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the resident.

If Lasata Senior Living Campus denies the amendment requested, in whole or in part:

- A written denial shall be provided within 60 days of receipt of the request to amend, unless a timely extension is sought. The denial must be in plain language and contain:
  1. The date it was issued; and
  2. The basis for denial in accordance with policy; and
  3. The following statement:

You may submit a written statement disagreeing with the denial and the reason for the disagreement to the Medical Records Office. If you submit a written statement of disagreement, Lasata Senior Living Campus will include your written request for amendment, their written denial, your written statement of disagreement and their rebuttal, if any, to your written statement of disagreement with any subsequent disclosure of your protected health information or records to which the disagreement regarding amendment relates.

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If you do not submit a written statement disagreeing with the denial, you may request that Lasata Senior Living Campus provide a copy of your written request for amendment and the written denial with any future disclosures of the protected health information or records that are the subject of the request for amendment.

A resident that has been denied an amendment to their protected health information or records in a designated record set by Lasata Senior Living Campus may submit a complaint to the **Privacy Officer** regarding Lasata Senior Living Campus' policies and procedures, compliance with their policies and procedures or compliance with the requirements of the HIPAA privacy rules. The complaint shall be in writing and may be made on the form titled **PRIVACY/VIOLATION COMPLAINT FORM** available at Lasata Senior Living Campus' Reception Desk and online at [www.lasatacampus.com](http://www.lasatacampus.com). All complaints shall be addressed and submitted to: Privacy Officer, c/o Office of Administration, Lasata Senior Living Campus, W76 N677 Wauwatosa Road, Cedarburg, WI 53012, 262-284-2844.

A resident may also submit a complaint to the Secretary of Health and Human Services. A complaint to the Secretary must:

- a) Be in writing, either on paper or electronically; and
- b) Must name the person that is the subject of the complaint and describe the acts or omissions believed to be in violation of the applicable administrative simplification provision(s); and
- c) Be filed within 180 days of when the complainant knew or should have known that the act or omission complained of occurred, unless this time limit is waived by the Secretary for good cause shown; and
- d) The Secretary may prescribe additional procedures for the filing of complaints, as well as the place and manner of filing, by notice in the **FEDERAL REGISTER**.

Additional information and forms for filing a complaint with the Secretary can be obtained at:

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<http://www.hhs.gov/ocr/privacy/hipaa/complaints/>

- Lasata Senior Living Campus will permit a resident to submit to them a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement.
- Lasata Senior Living Campus may prepare a written rebuttal to the resident's statement of disagreement. Whenever a rebuttal is prepared, Lasata Senior Living Campus will provide a copy to the resident who submitted the statement of disagreement.
- Lasata Senior Living Campus will identify the protected health information or record in the designated record set that is the subject of a disputed amendment and append or otherwise link the resident's written request for an amendment, Lasata Senior Living Campus' written denial and the resident's written statement of disagreement, if any, and the covered entity's written rebuttal, if any, to the designated record set.
- If a resident submits a statement of disagreement, Lasata Senior Living Campus will include appended or linked materials regarding the disputed amendment with any subsequent disclosure of protected health information or records to which the dispute relates.
- If a resident does not submit a written statement of disagreement, Lasata Senior Living Campus will include the resident's written request for amendment and the written denial with any subsequent disclosure of the protected health information or records only if the resident has requested such action.
- Lasata Senior Living Campus shall retain, in written or electronic format, for six years from the date of its creation or until the last date when it was in effect, whichever is later, all documentation related to requests to amend protected health information or records contained in designated record sets.