



*Issuing Department:* Internal Audit, Compliance, and Enterprise Risk Management

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## **Right to Request an Amendment**

### **Policy**

NYU Langone Health is committed to maintaining accurate, clear, and complete medical and billing records and to upholding a patient's rights with respect to their health information. To this end, patients are permitted to request, in writing, that NYU Langone Health amend Protected Health Information ("PHI") contained in NYU Langone Health's Designated Record Set or in a Designated Record Set held by a NYU Langone Health Business Associate.

This right applies only to factual statements contained in the record and not to the provider's observations, inferences, or conclusions.

The request to amend PHI may be denied if it is determined that the information recorded:

- is accurate and complete,
- was created by another provider (i.e., an external record or not originator of record),
- is no longer maintained by NYU Langone Health (e.g., the record has been destroyed in accordance with the *Records Retention* policy), and/or
- is not available for access by the patient (see chart reference in *Right to Inspect and Obtain PHI* policy).

The patient may require NYU Langone Health to append a brief statement of disagreement prepared by the patient to the record at issue. The statement of disagreement should not exceed 500 words. The patient's statement of disagreement must be released whenever the information at issue is released. Alternatively, the patient may request NYU Langone Health to release the patient's request form and the denial letter whenever the information at issue is released. If the information at issue is Disclosed through an electronic transaction that does not permit inclusion of the statement of disagreement, the form, and/or denial letter, Health Information Management ("HIM") personnel or other appropriate Workforce Member must separately transmit the material with the Disclosure or request.

### **Procedure**

When an adult patient, a minor who is allowed to consent to his or her own Treatment, or the parent or guardian of a minor patient believes that the health information NYU Langone Health maintains in a Designated Record Set is inaccurate or incomplete, the patient may request an amendment to that information.

1. The patient must submit the request in writing, by completing a *Request to Amend Protected Health Information* form and submit it as follows:
  - to amend Tisch Hospital, Rusk Rehabilitation, NYU Langone Orthopedic Hospital, and other NYU Langone Hospitals site records not listed, submit to: Patient Relations Office 550 1<sup>st</sup> Ave, NY, NY 10016 (212-263-6906) or the NYU Langone Health Privacy Officer (One Park Ave, 3<sup>rd</sup> Floor, NY, NY 10016 (212-404-4079).
  - to amend NYU Langone Hospital-Brooklyn records, submit to: Patient Relations Office 150 55<sup>th</sup> Street, Brooklyn, NY 11220 (718-630-7314).
  - to amend NYU Winthrop Hospital records, submit to: Patient Relations Office, 259 First Street, Mineola, NY 11501 (516-663-2058).
  - to amend Perlmutter Cancer Center records, submit to: HIM, Perlmutter Cancer Center, 160 E 34<sup>th</sup> St, 10<sup>th</sup> Floor, NY, NY 10003 (212-731-5096).
  - to amend Faculty Group Practice records, submit directly to the individual practice location/practice manager.
  - to amend Family Health Centers at NYU Langone Health or the NYU Langone Health Home Care, submit to the NYU Langone Health Privacy Officer, One Park Ave, 3<sup>rd</sup> Floor, NY, NY 10016 (212-404-4079).
  - to amend Southwest Brooklyn Dental Practice records, submit to: 219 54<sup>th</sup> Street, Brooklyn, NY 11220 (929-455-2099).
  - for any other location or if unsure where to submit, send to Patient Relations Office, 550 1<sup>st</sup> Ave, NY, NY 10016 (212-263-6906) or the NYU Langone Health Privacy Officer at One Park Ave, 3<sup>rd</sup> Floor, NY, NY 10016 (212-404-4079).
2. The receiving Workforce Member will acknowledge receipt of the form within seven (7) days. If a request for amendment is part of a formal, written patient complaint, Patient Relations will acknowledge receipt.
3. The appropriate Workforce Member, in consultation with the clinician of record and the Office of Internal Audit, Compliance, and Enterprise Risk Management (“IACERM”) as necessary, will determine whether to grant or deny the patient’s request to amend.
4. The appropriate Workforce Member must respond to the patient’s request within 60 days of receipt of the form. One 30 day extension is permitted so long as the patient is notified in writing of the reason for the extension and the date the patient can expect a response.
5. NYU Langone Health will accept or deny the requested amendment. The determination will be made by the treating clinician or author of the subject of the amendment, in consultation with other Workforce Members, including IACERM as necessary.
  - i. If the patient’s request to amend is granted:
    - The clinician of record will amend or correct the record that is the subject of the request, dating and signing any amendment or correction in accordance with NYU Langone Health policy.

- The appropriate Workforce Member will notify the patient in writing of the decision and will make reasonable efforts to provide the amendment to persons identified by the patient and to persons, including Business Associates, whom NYU Langone Health knows has the information that is the subject of the patient's request.
  - The amendment must be released whenever the information at issue is Disclosed. If the information is Disclosed through an electronic transaction that does not permit inclusion of the amended material, HIM personnel or the appropriate Workforce Member must separately transmit the amended material.
- ii. If the patient's request to amend is denied, in whole or in part:
- The appropriate Workforce Member will notify the patient in writing of the decision using the *Request to Amend Protected Health Information-Denied* template letter, including:
    - the ground for denial,
    - a statement of the patient's right to submit a statement of disagreement not to exceed 500 words,
    - a statement that the patient may alternatively request that NYU Langone include the patient's form and the denial letter when disclosing information to others in the future, and
    - a description of how the patient may complain to the NYU Langone Privacy Officer, the U.S. Secretary of the Department of Health and Human Services, and the New York State Department of Health (or other appropriate oversight agency).
6. NYU Langone Health may prepare a written rebuttal to the patient's written statement to be included in the patient's record and released whenever the information at issue is released. NYU Langone Health must provide a copy of the rebuttal statement to the patient.
7. If NYU Langone Health is informed, by another provider, of an amendment to a patient's record, Workforce Members, in consultation with IACERM, will make the requested amendment and will date and sign any amendment that is made in accordance with NYU Langone Health policy.
8. HIM, practice managers, and/or the clinician of record are responsible for ensuring that the patient's form, denial letter, if any, rebuttal statement, if any, and NYU Langone Health's rebuttal statement, if any, are appended to the record and information at issue, whether in paper or electronic form (e.g., scanned into Epic) and included in any subsequent Disclosure of the information at issue.

### **Related Documents**

Designated Record Sets

HIPAA Privacy Policies, Procedures, and Documentation

HIPAA Privacy Policies and Procedures Definitions

Request to Amend Protected Health Information-Denied template

Request to Amend Protected Health Information form

Right to Inspect and Obtain PHI

**Legal Reference**

45 C.F.R. §164.526

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This version supersedes all NYU Langone Health (as defined in this Policy) previous policies, including but not limited to NYU Hospitals Center, New York University School of Medicine, Lutheran Medical Center, and Winthrop University Hospital.