

Handling Requests for Correction/Amendment Policy

1. Introduction

- a. Clark County has adopted this Handling Requests for Correction/Amendment Policy to comply with the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the Department of Health and Human Services (“DHHS”) security and privacy regulations, as well as our duty to protect the confidentiality, integrity, and availability of confidential medical information as required by law, professional ethics, and accreditation requirements.
- b. Familiarity with the policy and demonstrated competence in the requirements of the policy are an important part of the duties of all Clark County employees.

2. Definitions

- a. **Designated record set** means a group of records maintained and used by Clark County to make decisions about individuals that consists of the medical records and billing records of individuals.

3. Policy

- a. Clark County will comply with an individual’s rights to request correction or amendment. Such requests should be processed promptly, especially in cases in which failure to correct clinical data could result in an adverse patient outcome.

4. Procedure

- a. A request for correction or amendment of information contained in a designated record set (with the exceptions of time of admission, date of birth, spelling of name, and other basic admission data) shall be in writing, shall provide a reason for such request, and shall specify the correction or amendment requested.
- b. A written description of Clark County’s policy on requests for correction or amendment shall be provided to all patients in Clark County’s Notice of Privacy Practices.
- c. If the individual makes an oral request and the change could adversely affect clinical decision-making, the staff member receiving the request will put it in writing and process it according to this policy as if the requestor had made the request in writing.
- d. Any member of the workforce receiving such a request must bring it to the record custodian, which will log it in and ensure proper processing.
- e. All requests shall be brought to the attention of the appropriate department head.
- f. All requests must be acted upon no later than 60 days after receipt of the request. If the Clark County is unable to act on the request within the 60-day period, Clark County may extend the time by no more than 30 days, provided that Clark County notifies the patient in writing prior to the expiration of the 60-day period of the following:
 - 1) Reasons for the delay.
 - 2) Date by which Clark County will respond to the request.

5. Granting of Requests

- a. If the decision is made to correct or amend the record as requested, the patient will be notified in writing within 10 days of the decision. Clark County shall request from the patient a list of relevant persons/entities who should receive a copy of the correction/amendment and authorizations from the patient to forward the correction/amendment to the persons/entities so identified by the patient.

6. Denial of Requests

- a. Clark County may deny the request if Clark County determines that the information sought to be corrected or amended meets any of the following criteria:
 - 1) Is accurate and complete.
 - 2) Was not created by Clark County unless the individual making the request can provide to Clark County a reasonable basis to believe that the originator of the information is no longer available to act on the request.
 - 3) Is not part of the patient's designated record set.
- b. Clark County will follow the following procedures when a request is denied:
 - 1) Provide a written statement of denial that explains the basis for the denial to the individual making the request within the time frames set forth within this policy.
 - 2) Include in the written statement of denial the following information:
 1. That the individual is entitled to provide to Clark County a written statement disagreeing with the denial.
 2. If the individual does not submit a statement of disagreement, the individual may request that Clark County provide the individual's request for amendment and Clark County's denial with any subsequent disclosure of the designated record set that is the subject of the request.
 3. The individual has a right to file a complaint with Clark County or with the appropriate state department per applicable complaint procedures.
 - 3) Clark County may prepare a written rebuttal to the individual's statement of disagreement, which shall be provided to the individual in a timely manner.
 - 4) The record sought to be changed shall be identified as being the subject of a disputed request to correct/amend. Clark County shall attach to the disputed record a copy of the individual's request, a copy of the denial, the individual's statement of disagreement, if any, and the rebuttal, if any.
 - 5) If the individual has submitted a statement of disagreement, Clark County must include the all materials set forth in the previous bullet with any subsequent disclosure of the record to which the disagreement relates. In the alternative, Clark County may provide an accurate summary of the information.
 - 6) If the individual has not submitted a statement of disagreement but requests Clark County to include a copy of the individual's request for amendment and copy of the Clark County denial, or an accurate summary of such information, with any subsequent disclosure of the information, Clark County shall do so.