



Wellplace

1333 Brewery Park Blvd., Suite 140, Detroit, MI 48207



Standards: CARF: 2.G.1, 1.E.3

Revision Date: 5/7/10; 4/21/11; 8/29/12; 8/9/13, 11/15/2013, 9/4/2014, 8/27/2015, 6/17/2016, 6/2/2017

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Chapter: VII. Confidentiality

Subject: D. Consumer Request to Amend PHI

I. POLICY:

It is the policy of Wellplace that consumers have the right to request that Wellplace amend their Protected Health Information or other records about the consumer maintained in a Designated Record Set for as long as the Protected Health Information is maintained in a Designated Record Set.

II. PURPOSE:

To establish clear and concise procedures for the process of consumer request to amend PHI.

III. APPLICATION:

This policy applies to all Wellplace employees.

IV. DEFINITIONS:

Consumer: Recipient of mental health services. There are two types:

1. Primary Consumer refers to the recipient of services.
2. Secondary Consumer refers to family members of the primary recipient.

Health Information Privacy Portability Administration Act (HIPAA): The statutes that applies to the maintenance and management of all confidential information to prevent unauthorized disclosure of pertinent and private health information of an individual.

Protected Health Information: "any information, whether oral or recorded in any form or medium" that

- "is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse"; and
- "relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual."

Designated Record Set: means a group of records maintained by or for Wellplace in which the records are either:

- records about consumers maintained by or for Wellplace; or
- records used, in whole or in part, by or for Wellplace to make decisions about consumers.

V. STANDARDS:

1. **Amendment Requests:** Requests by the consumer to amend or correct information maintained in the consumers record maintained in the Wellplace Designated Record Set must be made in writing and include a reason to support such a request. Routine requests for amendments or corrections to the consumer's contact information or other non-medical information are not required to be in writing.



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2. **Response Time:** Wellplace must act on a consumer's request for an amendment within sixty (60) days after receipt of the request in writing. If Wellplace is unable to act on the request within the 60-day period, Wellplace may have a one-time extension of not more than thirty (30) additional days, as long as Wellplace has informed the individual in writing of the delay, the reasons for the delay, and a date that Wellplace will provide a response.

3. **Basis for Denial of Request:** Wellplace may deny the amendment request under any one of the following circumstances:
 - A. Wellplace did not create the record.

 - B. The information which the consumer requests to be amended is not otherwise available for inspection by the consumer under the HIPAA regulations governing a patient's right to access his/her PHI, such as psychotherapy notes, records that are prohibited by law from being released to the individual, and release of the information may endanger the safety of the individual or another person. See Wellplace Notice of Privacy Practices & Protected Health Information Policy regarding when Wellplace may deny a consumer or a consumer's legal representative access to the consumer's information.

 - C. Wellplace determines that the information is accurate and complete.

4. **Denial Must Be In Writing:** If a request to amend is denied, in whole or in part, Wellplace must provide the consumer with a written denial within the time allowed, using plain language, and must include the following information:
 - the basis for the denial; and
 - the consumer's right to submit a written statement disagreeing with the denial and how to file such a statement; and
 - a statement that, if the consumer does not submit a statement of disagreement, they may request that Wellplace provide their request for amendment and the denial with any future disclosure of the PHI that is the subject of the amendment; and a description of how the consumer may complain to Wellplace pursuant to the Wellplace grievance, appeal, and disputes procedures by contacting Wellplace, or to submit a complaint to the Secretary of the United States Department of Health and Human Services.

5. **Consumer's Disagreement With Denial of Request:**
 - A. **Statement of Disagreement:** If Wellplace denies all or part of the amendment request, the consumer may submit a written statement of disagreement and the basis for such a disagreement. Wellplace may reasonably limit the length of a statement of disagreement.

 - B. **Rebuttal Statement:** Wellplace may prepare a written rebuttal to the consumer's statement of disagreement. When a rebuttal is prepared, Wellplace must provide a copy to the consumer who submitted the statement of disagreement.



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C. Record Keeping: Wellplace will identify the record or PHI in the designated record set that is the subject of the disputed amendment and append or otherwise link the consumer’s request for an amendment, Wellplace denial of the request, the consumer's statement of disagreement, if any, and Wellplace rebuttal, if any, to the designated record set.

D. Future Disclosures:

- If a statement of disagreement has been submitted, Wellplace will include the material appended in accordance with the record keeping section above, or an accurate summary, with any subsequent disclosure of the PHI that the disagreement relates to.
- If a written statement of disagreement has not been submitted, Wellplace must include the consumer's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI only if the individual has requested such action.
- When a subsequent disclosure described above is made using a standard transaction that does not permit the additional material to be included with the disclosure, Wellplace may separately transmit the material required by this section to the recipient of the standard transaction.

6. **Recordkeeping of Amendment Requests/Denials:** Except for routine requests to amend demographic and contact information concerning the consumer, all consumer amendment requests should be submitted to the Program Director or designee using the Wellplace Request for Amendment of Health Information form. If the consumer communicates with the provider directly about an amendment request, the provider may elect to respond verbally to the request at that time; however, if the provider elects to respond to the patient’s request at that time, and the request is not a routine request to amend demographic and contact information concerning the patient, the Request for Amendment of Health Information form must be filled out, and the form must include the provider's response, and the completed form must be forwarded to the Program Director.

All documentation regarding requests to amend, and documentation regarding Wellplace response to the request, must be submitted to the Program Director or designee to retain for a period of at least six (6) years from the date of the documentation.

7. **Agreeing to Amendment Request:** If Wellplace agrees, in whole or in part, to the patient’s requested amendment, Wellplace will:

A. Make the appropriate amendment to the information that is the subject of the request by identifying the records in the Designated Record Set that are affected by the amendment and appending. With the exception of demographic information, medical information should never be deleted. Instead, the “amendment” must be made in the form of an addition to the record. Demographic changes may be made without having to maintain a historical file of the change.

B. Inform the individual that the amendment is accepted and obtain their identification of and agreement to have Wellplace notify the relevant persons with which the amendment needs to be shared. The acceptance



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of the amendment is not required to be in writing to the consumer.

C. Inform others: Wellplace will make reasonable efforts to inform and provide the amendment within 30 days to:

- persons identified by the consumer as having received PHI about them and needing the amendment; and
- persons, including business associates of Wellplace, that Wellplace knows to have the PHI that is the subject of the amendment and who may have relied or could foreseeably rely upon such information to the detriment of the individual.

8. **When Amendments Made by Others Outside Wellplace:** If Wellplace is informed by another covered entity of its amendment to a consumer's PHI maintained by the covered entity, and Wellplace has PHI or other records in its Designated Record Set affected by such amendment, Wellplace will amend the PHI in its Designated Record Set accordingly.

VI. QUALITY ASSURANCE:

The Quality Improvement/Utilization Management Committee shall monitor adherence to the policy as one element of its overall quality processes. The Wellplace Policy and Procedure Manual is reviewed and revised on an annual basis and is approved annually by the Board of Managers. When applicable, the Wellplace subcontractor to whom this policy is applicable shall monitor adherence to this policy as part of a program of ongoing quality management.

VII. COMPLIANCE WITH ALL APPLICABLE LAWS:

Wellplace Inc. and its subcontractors are bound by all applicable federal, state, and county laws, rules, regulations, policies, and guidelines.

VIII. REFERENCES:

Michigan Department of Community Health

Recipient Rights

HIPAA (1996)

DWMHA

IX. EXHIBITS:

VIII. D. 1. *Wellplace Request for Amendment of Health Information Form*