

## Child and Family Services Policy Manual: Confidentiality, Case Records, and HIPAA Information Correction and Appeal Process

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### Information Correction and Appeal

When a client has been allowed to review the CPS case record and identifies information in the record he or she considers to be in error, the individual may request correction of the alleged error.

### Procedures

The individual requesting a correction should provide a written request explaining the error, and the reason or reasons justifying the request to the child protection specialist who shall immediately inform his or her supervisor.

The request is reviewed by the child protection specialist and supervisor and the information corrected in the record if there has been an error. When the information in question was created by someone from outside the division, the child protection specialist or supervisor will forward the request to the agency or service provider personnel and inform the client this action has been taken (providing the client with the name to whom the request was forwarded).

If the child protection specialist and supervisor believe there has been no error, no correction is made and the requesting party is informed in writing of the decision and the appeal process. All requests for correction of information and the Department's response are permanently maintained in the record.

**NOTE:** If the error is regarding PHI, the Department will recommend the client contact the health care provider who generated the PHI to review it and explain the content. **Division staff shall NOT amend PHI that was created outside the division.** SEE policy 503-1 for more details regarding documentation of PHI amendment requests.

### Response to Request for Change

Child protection specialists must respond to requests for changes or corrections to the CPS case record within 15 working days of receipt of the written request. If a request is denied, the reasons for denial are outlined in the child protection specialist's written response.

**Written requests for amendments to PHI will be provided to the field liaison for that office and the field liaison will document the request and response in the Database.**

### Information Correction

When information is corrected in the case record, the child protection specialist informs all individuals or agencies to whom the information has been disclosed. Such notice is made in writing with a copy retained permanently in the case record. The notice includes:

- name of individual;
- date of change;
- information to be corrected;

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- date the information had previously been sent to the individual or agency; and
- sufficient information to identify original information sent.

**NOTE: If the corrected information is PHI (created by the division),** documentation by staff will be provided to the field liaison to enter the information in the Database.

### **Appeal to Regional Administrator**

Child Protection Specialist  
Assists in Appeal

If the client is dissatisfied with the decision of the child protection specialist and supervisor, he or she may appeal the decision in writing to the regional administrator responsible for services in the geographic area.

The child protection specialist responsible for the case provides information and assists the client in preparing and submitting the appeal if the client is unable to do so or has no other person willing or able to assist. However, the child protection specialist may not represent the client. The appeal should state the reasons for the appeal and the justification for the requested change.

The request for review by the regional administrator must be made within 30 days of the date of the Department's response to the request for amendment.

The regional administrator reviews the appeal and issues a written decision within 15 working days of receipt of the written request. The regional administrator's decision should decide the action to be taken and include information on the person's right to appeal to the director or his or her designee.

### **Appeal to Division Administrator or Designee**

If the client is dissatisfied with the decision of the regional administrator, he or she may appeal to the Division Administrator or his or her designee. The client's appeal must be in writing and state the reasons for the appeal and the justification for the request.

The Division Administrator or designee reviews the request and renders a decision within 30 calendar days of receiving the request. The decision shall include the action to be taken. A copy of the written decision is sent to the regional administrator, the local supervisor and child protection specialist. The decision of the Division Administrator or designee is final.

### **Continued Disagreement**

If the agency does not change the information being contested and the client continues to contest the information, a short statement concerning the client's disagreement with the information must be

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filed in all records (including computer records) containing that information. Any time the information is disclosed, the client's statement must accompany the other records.

**Reference**

Mont. Code Ann. §§ 41-3-205, 53-2-105  
Admin. R. Mont. 37.47.607 and 608  
45 CFR Parts 160 and 164  
DPHHS HIPAA Policies 001-015