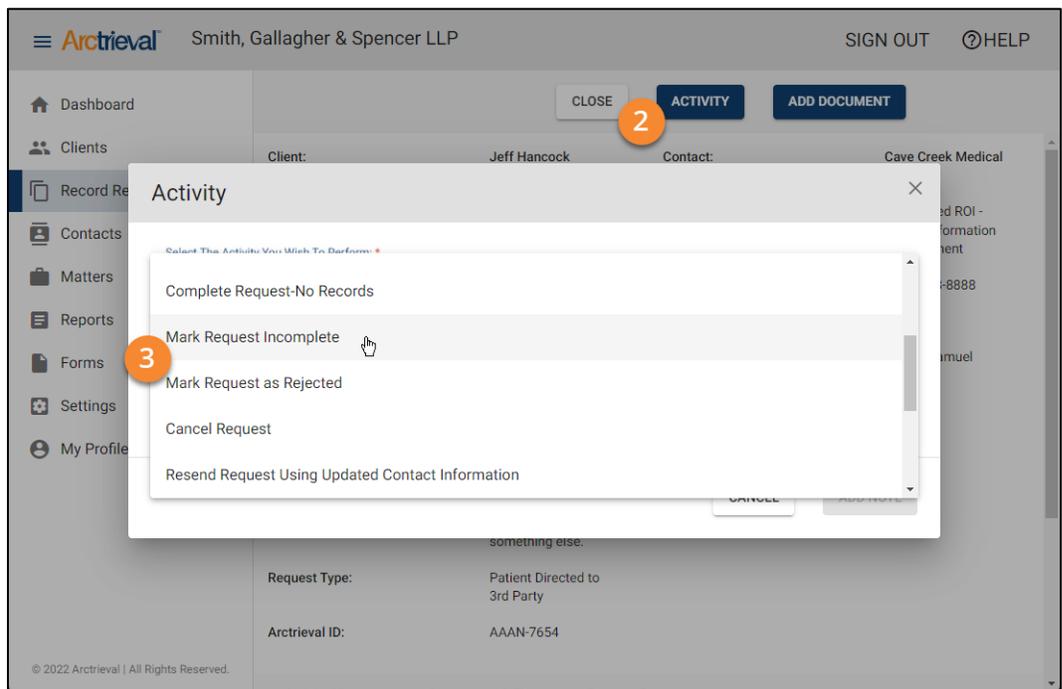


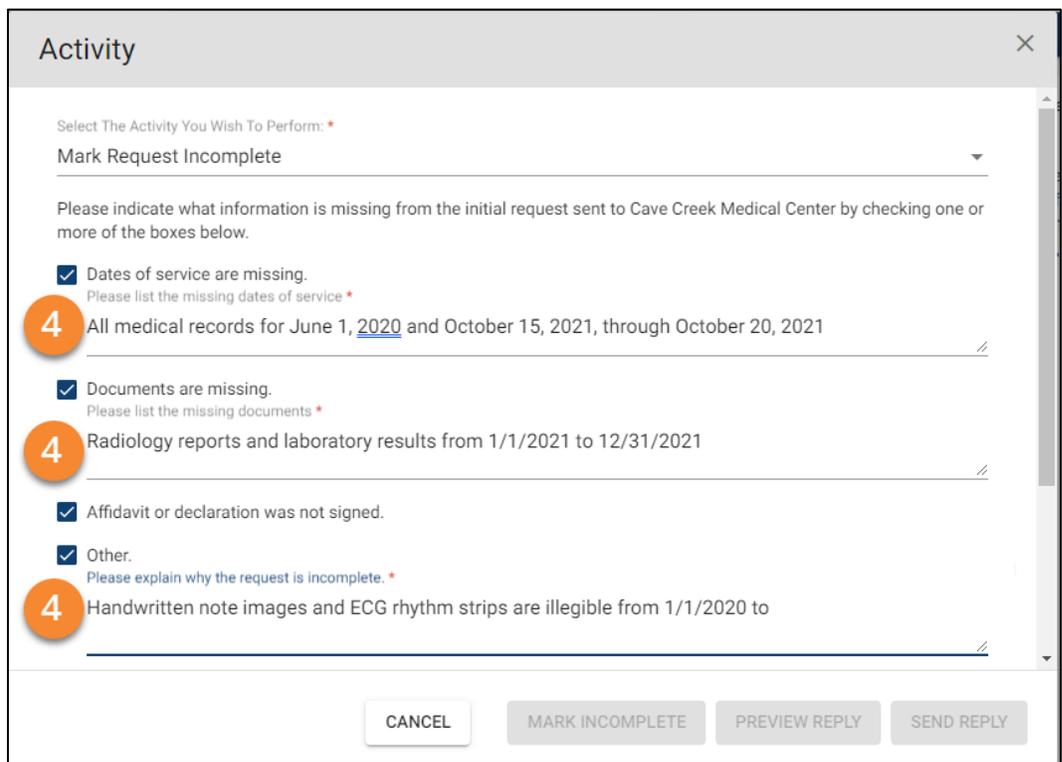
Managing Incomplete Responses to an Individual Right of Access Request

1. Responding to an Incomplete Request-Quick Steps

1. Select the Request that received an incomplete response, i.e., missing documents.
2. Click the Activity button.
3. Select "Mark Request Incomplete" on the dropdown menu.



4. Select one or more of the options and enter the details for the missing information.



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5. Scroll down and enter the date the reply was received from the Contact.
6. Select one or more delivery methods.
7. Click the Preview Reply button to review the document before sending it.
8. Click the Send Reply button to send the Incomplete Request Letter to the Contact.

The screenshot shows a web form titled "Activity" with a close button (X) in the top right corner. The form contains the following elements:

- Two checked checkboxes: "Affidavit or declaration was not signed." and "Other." Below "Other." is a text input field containing "Handwritten note images and ECG rhythm strips are illegible from 1/1/2020 to".
- A text input field labeled "Date reply received from Contact: *" with the value "11/8/2022" and a calendar icon.
- A section titled "Send reply to Contact using:" with four radio button options: "email (Automated)", "Fax (Automated)" (which is selected), "US Mail (Automated)", "US Mail (Manual)", and "Other-PDF File for Upload (Manual)".
- A checkbox labeled "Mark request incomplete and do not send reply:" which is currently unchecked.
- Four buttons at the bottom: "CANCEL", "MARK INCOMPLETE", "PREVIEW REPLY", and "SEND REPLY".

Numbered callouts are placed on the form:

- 5: Points to the "Date reply received from Contact:" field.
- 6: Points to the "Fax (Automated)" radio button.
- 7: Points to the "PREVIEW REPLY" button.
- 8: Points to the "SEND REPLY" button.

2. Background

Sometimes the response from a Contact will omit information specified in the individual right of access request. The missing information is usually due to human error or a technology glitch. For example, the person processing the request needed to enter the correct date range into the information system search fields resulting in documents missing for one or more dates of service. A Contact's information systems are often comprised of multiple systems that communicate with each other. If one system is unavailable, then a specific document type, such as a radiology report or laboratory result, will be missing from Contact's response.

Correcting a problem with missing information in response to a 3rd Party HIPAA Authorization required one or more phone calls to the Contact. The Contact usually asks you to resend a new request for the missing information. The benefit to the Contact is that it looks like a new request and does not impact their productivity numbers and key performance indicators. The problem for you and your client is that a new request restarts the entire request process—including the delays and waiting period.

With an individual right of access request, you have more control of the situation and can compel the Contact to correct their errors on your terms. By omitting information, regardless of the reason, the Contact has potentially violated the individual's rights under the HIPAA Privacy Rule. There is no need or reason to issue a new request. If you do send a new request, you will lose control of the situation and any leverage you have over the Contact. The Contact must respond to the original individual right of access request appropriately.



Do not send a new request to a Contact to obtain missing information from an individual right of access request. It is the Contact's responsibility to process the original request correctly.

The Mark Request Incomplete Activity for a request offers a quick method to notify the Contact of their mistake and remind them of their responsibilities under the HIPAA Privacy Rule.

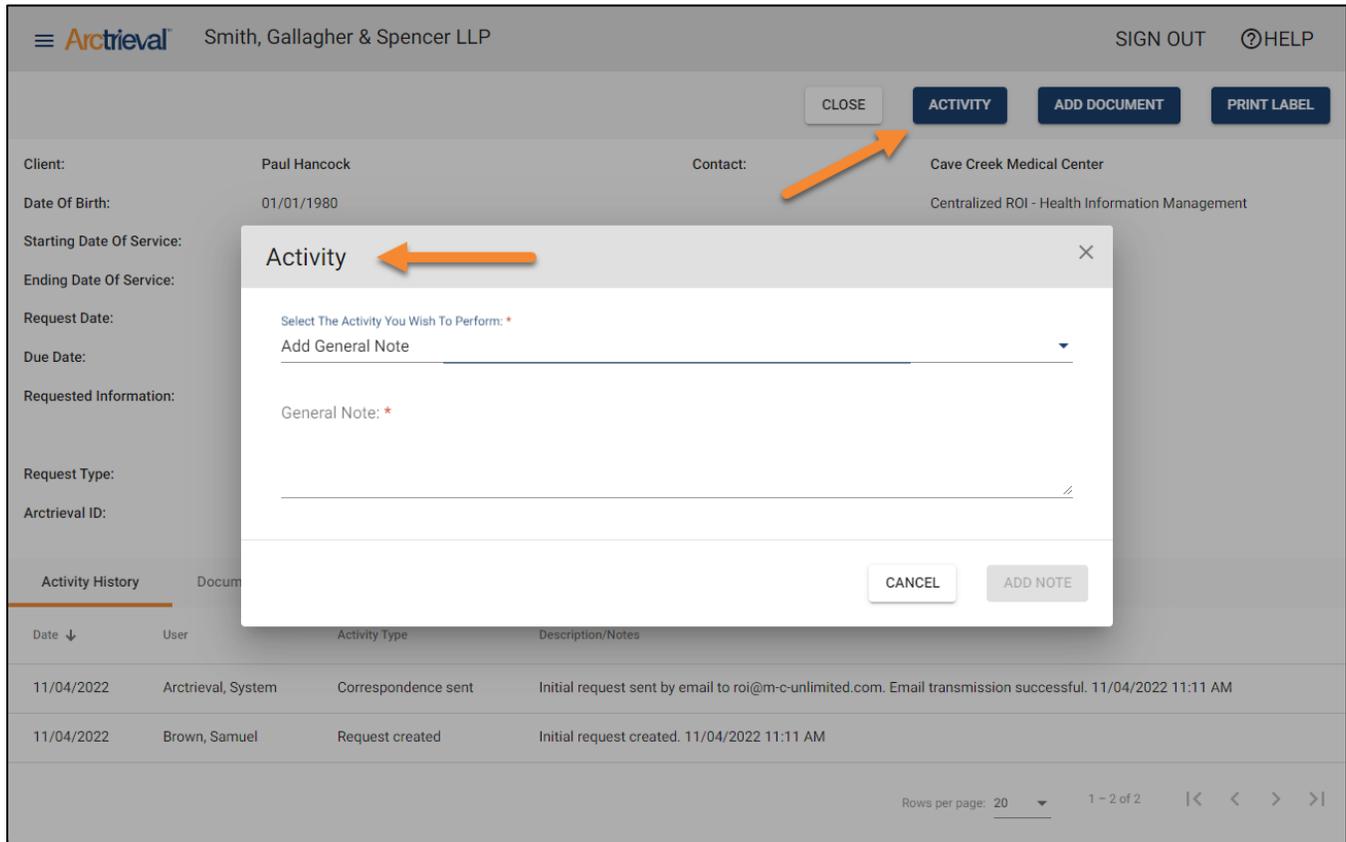
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3. Mark Request Incomplete

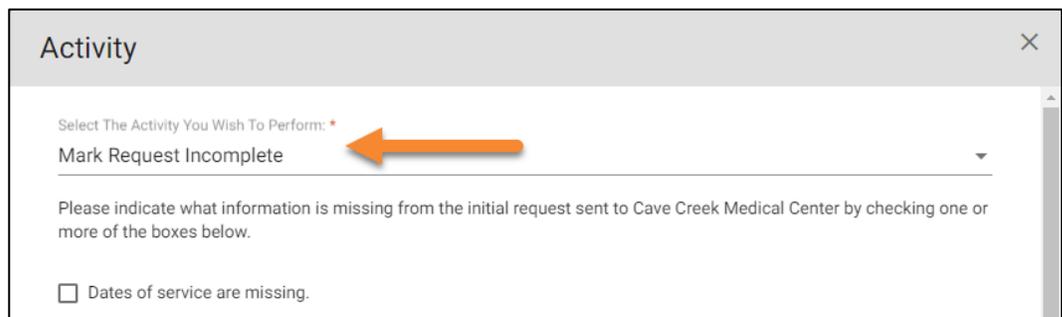
3.1. Activity Selection

The steps below will walk you through updating the request status and sending the Contact correspondence regarding their error.

9. Click on the Activity Button for the request that received an incomplete response from the Contact to display the Activity dialog box shown in the following image.



10. Select the Mark Request Incomplete Activity from the options under the “Select The Activity You Wish To Perform” drop-down dialog menu, as shown in the following image:



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3.2. Mark Request Incomplete Dialog Box

All the options and input fields for the Mark Request Incomplete Activity are shown in the following image and discussed below.

Activity [X]

Select The Activity You Wish To Perform: *

Mark Request Incomplete [v]

Please indicate what information is missing from the initial request sent to Cave Creek Medical Center by checking one or more of the boxes below.

Dates of service are missing.

Please list the missing dates of service

.....

Documents are missing.

Please list the missing documents

.....

Affidavit or declaration was not signed.

Other.

Please explain why the request is incomplete.

.....

Date reply received from Contact: *

11/6/2022 [calendar icon]

Send reply to Contact using:

email (Automated) Fax (Automated) US Mail (Automated)

US Mail (Manual) Other-PDF File for Upload (Manual)

Mark request incomplete and do not send reply:

[CANCEL] [MARK INCOMPLETE] [PREVIEW REPLY] [SEND REPLY]

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3.3. Mark Request Incomplete—Missing Information

The first step is to indicate the missing information from the Contact’s response to the request. You may select one or more of the available options.

Dates of service are missing.
Please list the missing dates of service *
All medical records for June 1, 2020, and October 15, 2021, through October 20, 2021.

Documents are missing.
Please list the missing documents *
Radiology reports and laboratory results from 1/1/2021 to 12/31/2021.

Affidavit or declaration was not signed.

Other.
Please explain why the request is incomplete. *
Handwritten note images and electrocardiogram rhythm strips are illegible from 1/1/2020 to 12/31/2021.
Contact reference #123-888.

1. **Dates of service are missing.** You received billing statements and medical records in response to a request with a 1/1/2020 starting service date and a 12/31/2021 ending service date. The billing statement shows eight encounters (visits), but the medical records only cover six encounters. The Contact failed to provide records for two encounters. Click the box next to “Dates of service are missing” and list the dates of service or ranges of dates not included in the response. You would enter “All medical records for June 1, 2020, and October 15, 2021, through October 20, 2021.” The June 1, 2020 entry is used when it is a single service date, and October 15, 2021, through October 20, 2021, is used to cover an extended stay in the facility.
2. **Documents are missing.** You received medical records in response to a request with 1/1/2021 as the starting date of service and 12/31/2021 as the ending date of service. The radiology reports and laboratory results are missing from the documents. You would click the box next to “Documents are missing” and enter the list of missing documents, such as “Radiology reports and laboratory results from 1/1/2021 to 12/31/2021.”
3. **Affidavit or declaration was not signed.** The Custodian of Record did not complete or sign the affidavit or declaration for the records set. You would click the box next to “Affidavit or declaration was not signed. No additional explanation is needed for the Contact related to this particular error.
4. **Other.** Most issues for an incomplete response are either missing service dates or documents, and you will only use the other option sometimes. However, situations may arise where the other option is advantageous. For example, if the provided documents are illegible or have poor image quality, such as handwritten notes or electrocardiogram rhythm strips scanned into the Contact’s information system at a low resolution. You would click the box next to “Other” and enter an explanation, such as “Handwritten note images and electrocardiogram rhythm strips are illegible from 1/1/2020 to 12/31/2021.”

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Alternatively, you can use the Other option to specify information about the request. Such as the Contact's internal tracking, reference, invoice, or order number,



The different incomplete options work together as a filter to describe the missing information and may unintentionally exclude some of the information you seek. You must be as specific as possible when describing the defects in the response.

3.4. Mark Request Incomplete—Reply Date

Enter the date you received the reply in your office from the Contact in the space provided, as shown in the following image. By default, the Arctrial software enters today's date, but you can and should change it to the correct date as needed.

The initial reply and records were received in the example on October 25, 2022.

3.5. Mark Request Incomplete—Send Reply

You have two choices for finalizing the activity and whether or not to send the Incomplete Request Letter to the Contact. The first choice is to have the Arctrial system send the Incomplete Request Letter to the Contact through one or more of the selected delivery methods. The delivery options are the same as when you submitted the initial request.

Selecting a delivery option will enable the Preview Reply and Send Reply buttons. Click on the Preview Reply to see a preview of the Incomplete Request Letter, or click on Send Reply to finalize the document and send it to the Contact.



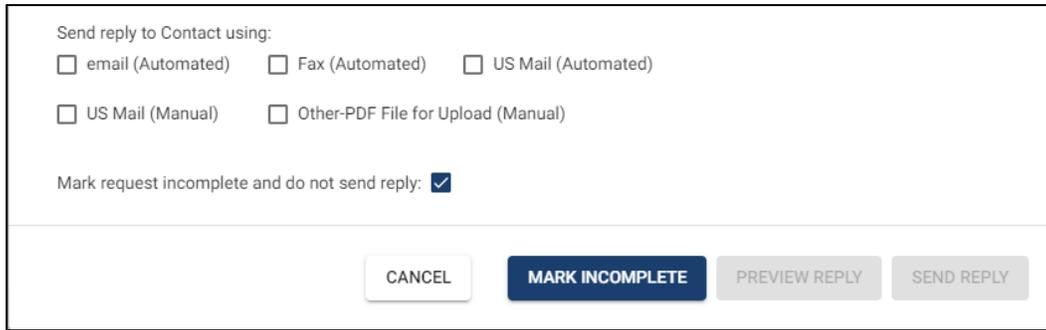
As a best practice, you should preview the Incomplete Request Letter the first few times you use the activity to check the documents for any issues.

3.6. Mark Request Incomplete—Do Not Send Reply

The second choice is to mark the request as incomplete in your Arctrial account, create the Incomplete Request Letter document, but not send it to the Contact at this time. For example, you have a personal relationship with the Contact. It may be easier to call them directly to explain the

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situation because you know they will immediately correct the issue. You can still send the Incomplete Request Letter if the Contact does not fix the problem.



Send reply to Contact using:

email (Automated) Fax (Automated) US Mail (Automated)

US Mail (Manual) Other-PDF File for Upload (Manual)

Mark request incomplete and do not send reply:

4. Finalizing the Incomplete Request Activity

After you click the Send Reply or Mark Incomplete button, the Arctrial system performs the following actions.

1. **Send Reply.**
 - a. Incomplete Request Letter PDF file is generated and stored in the Documents & Files tab for the request.
 - b. Information about the incomplete response is entered as a note in the Activity History tab for the request.
 - c. Request status is updated to "Incomplete."
 - d. Correspondence delivery information is entered as a note in the Activity History tab for the request.
2. **Mark Incomplete.**
 - a. Incomplete Request Letter PDF file is generated and stored in the Documents & Files tab for the request.
 - b. Information about the incomplete response is entered as a note in the Activity History tab for the request.
 - c. Request status is updated to "Incomplete."

5. Multiple Incomplete Request Letters

Ideally, a Contact would correct their mistake and send all the missing information, but that is not always the case. Therefore, the Arctrial system enables you to send as many incomplete request letters to a Contact as needed to get them to understand their mistake and provide the requested information.