

Managing Rejections to an Individual Right of Access Request

1. Responding to a Rejected Request—Quick Steps

1. Select the Request that was rejected.
2. Click the Activity button.
3. Select "Mark Request as Rejected" from the dropdown menu.

The screenshot shows the Arctrieval interface for a request from Adam Hancock at Cave Creek Medical Center. The 'ACTIVITY' button is highlighted with an orange circle labeled '2'. A dropdown menu is open, showing options: 'Complete Request-No Records', 'Mark Request Incomplete', 'Mark Request as Rejected' (highlighted with an orange circle labeled '3'), 'Cancel Request', and 'Resend Request Using Updated Contact Information'. Below the dropdown, an 'Activity History' table is visible.

Date	User	Activity Type	Description/Notes
11/02/2022	Arctrieval, System	Correspondence sent	Initial request sent by email to roi@m-c-unlimited.com. Email transmission successful. 11/02/2022 8:25 AM
11/02/2022	Brown, Samuel	Request created	Initial request created. 11/02/2022 8:24 AM

4. Select the reason or reasons the request was rejected.

The screenshot shows the 'Activity' form with the 'Mark Request as Rejected' section selected. It prompts the user to 'Please indicate why the request sent to Magic Kingdom Medical Center was rejected by checking one or more of the boxes below.' A list of reasons is provided, each with a checkbox. The 'Other' option is also selected, with a text field for 'Some other reason from the HIPAA police.' The 'Date rejection correspondence was received:' field is empty. At the bottom, there are buttons for 'CANCEL', 'MARK REJECTED', 'PREVIEW REPLY', and 'SEND REPLY'.

Activity

Select The Activity You Wish To Perform: *

Mark Request as Rejected

Please indicate why the request sent to Magic Kingdom Medical Center was rejected by checking one or more of the boxes below.

- ☒ Revocation statement missing on the authorization.
- ☒ Expiration date missing on the authorization.
- ☒ Purpose of disclosure missing on the authorization.
- ☒ Redisclosure statement missing on the authorization.
- ☒ Ability or inability to condition treatment statement missing.
- ☒ Authorization is not signed by the patient or personal representative.
- ☒ Authorization is not dated.
- ☒ HIPAA Authorization is missing, required, or must use their HIPAA Authorization.
- ☒ Signature must be notarized.
- ☒ HITECH Request is not valid or is not accepted.
- ☒ Emailed, faxed, or mailed requests not accepted. Must use specific web portal or service.
- ☒ Reproductive Health Care Attestation.
- ☒ Other Reason request was rejected: *

Some other reason from the HIPAA police.

Date rejection correspondence was received: *

CANCEL **MARK REJECTED** **PREVIEW REPLY** **SEND REPLY**

Managing Rejections to an Individual Right of Access Request

5. Scroll down and enter the date of the rejection letter.
6. Click the Choose a File button to upload a PDF of the rejection letter.
7. Select one or more delivery methods.
8. Click the Preview Reply button to review the document before sending it.
9. Click the Send Reply button to send the rejection 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:

- A text field for "Date rejection correspondence was received:" with the value "10/27/2022" and a calendar icon. A callout "5" points to this field.
- A section titled "Upload Rejection Letter or Notice" containing a "Choose a File" button (labeled "Ciox Rejection ...") and a "Select PDF file of correspondence for upload." instruction. A callout "6" points to the file selection area.
- A section titled "Send reply to Contact using:" with four checkboxes: "email (Automated)", "Fax (Automated)" (which is checked), "US Mail (Automated)", and "US Mail (Manual)". A callout "7" points to the "Fax (Automated)" checkbox.
- A checkbox for "Other-PDF File for Upload (Manual)".
- A checkbox for "Mark request rejected and do not send reply:".
- Four buttons at the bottom: "CANCEL", "MARK REJECTED", "PREVIEW REPLY", and "SEND REPLY". Callouts "8" and "9" point to the "PREVIEW REPLY" and "SEND REPLY" buttons, respectively.

Managing Rejections to an Individual Right of Access Request

2. Background

Despite providing all the necessary information, a Contact may reject a 3rd Party HIPAA Authorization or Individual Right of Access request because they think it does not comply with HIPAA Rules and Regulations. Unfortunately, many Contacts and the release of information vendors, such as CIOX, Datavant, Healthmark Group, MRO, Sharecare, Verisma, Vital Records Control, and their subsidiaries, do not adequately train their staff.

For a third-party HIPAA Authorization, the Contact will inform you that you must use their HIPAA or authorization to disclose protected health information form, or a specific required section is missing on the authorization form. The provider controls the process for requests issued per 45 CFR 164.508 and can direct you to use their form. In this situation, you have no recourse and must follow the procedures the Contact established.

However, you and the individual control the process for an individual right of access request. The Contact must comply with all Individual Right of Access requests issued per 45 CFR 164.524, provided the request is clear, conspicuous, and specific. Problems arise when the Contact's staff is not adequately educated on what constitutes a valid Individual Right of Access request. They are trained to follow a specific checklist, and if the request does not check all the boxes, it is rejected, and correspondence is sent to you.

With an individual right of access request, you are in control and can compel the Contact to correct their errors. As stated, most rejections to an Individual Right of Access request are due to poor training and a lack of knowledge. The Contact must respond to the original individual right of access request appropriately.



Never send a HIPAA Authorization to a Contact if they reject the individual right of access request. By doing so, you lose control of the situation, leverage over the Contact, and the benefits from an Individual Right of Access Request.

The Mark Request as Reject Activity offers a quick method for responding to rejection correspondence, notifying the Contact of their mistake, explaining Office for Civil Rights enforcement actions for similar behavior, and compelling them to follow the HIPAA Privacy Rule 45 CFR 164.524.

Managing Rejections to an Individual Right of Access Request

3. Mark Request as Rejected—In Detail

3.1. Activity Selection

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

1. Click on the Activity Button for the request rejected by the Contact to display the Activity dialog box, shown in the following image.

Arctrieval Smith, Gallagher & Spencer LLP SIGN OUT ? HELP

CLOSE ACTIVITY ADD DOCUMENT PRINT LABEL

Client: Paul Hancock Contact: Cave Creek Medical Center
Date Of Birth: 01/01/1980 Centralized ROI - Health Information Management

Starting Date Of Service:
Ending Date Of Service:
Request Date:
Due Date:
Requested Information:
Request Type:
Arctrieval ID:

Activity History Document

Activity

Select The Activity You Wish To Perform: *

Add General Note

General Note: *

CANCEL ADD NOTE

Date ↓	User	Activity Type	Description/Notes
11/04/2022	Arctrieval, System	Correspondence sent	Initial request sent by email to roi@m-c-unlimited.com. Email transmission successful. 11/04/2022 11:11 AM
11/04/2022	Brown, Samuel	Request created	Initial request created. 11/04/2022 11:11 AM

Rows per page: 20 1 - 2 of 2 |< < > >|

2. Select the Mark Request as Rejected Activity from the options under the "Select The Activity You Wish To Perform" drop-down dialog menu, as shown in the following image:

Activity

Select The Activity You Wish To Perform: *

Mark Request as Rejected

Please indicate why the request sent to Cave Creek Medical Center was rejected by checking one or more of the boxes below.

☐ Revocation statement missing on the authorization.

☐ Expiration date missing on the authorization.

CANCEL ADD NOTE

Managing Rejections to an Individual Right of Access Request

3.2. Mark Request as Rejected Dialog Box

The following image shows all the options and input fields for the Mark Request as Rejected Activities, and they are discussed below.

Activity

Select The Activity You Wish To Perform: *

Mark Request as Rejected

Please indicate why the request sent to Magic Kingdom Medical Center was rejected by checking one or more of the boxes below.

☐ Revocation statement missing on the authorization.
☐ Expiration date missing on the authorization.
☐ Purpose of disclosure missing on the authorization.
☐ Redisclosure statement missing on the authorization.
☐ Ability or inability to condition treatment statement missing.
☐ Authorization is not signed by the patient or personal representative.
☐ Authorization is not dated.
☐ HIPAA Authorization is missing, required, or must use their HIPAA Authorization.
☐ Signature must be notarized.
☐ HITECH Request is not valid or is not accepted.
☐ Emailed, faxed, or mailed requests not accepted. Must use specific web portal or service.
☐ Reproductive Health Care Attestation.

☐ Other Reason request was rejected:
.....

Date rejection correspondence was received: *

1/8/2025

Upload Rejection Letter, Notice, or Additional Firm Document

Choose a File...

Select the PDF file to upload. To avoid processing issues and for all features to work correctly, the uploaded document must be a single PDF and all pages must be in portrait orientation.

Do not upload any HIPAA Authorizations, the Arctrieval Client Intake Form, or the Arctrieval Personal Representative Intake Form. Adding any of these documents will cause problems and delays with your request. These documents are not needed.

Send reply to Contact using:

☐ Email (Automated) ☐ Fax (Automated) ☐ US Mail (Automated)
☐ US Mail (Manual) ☐ Other-PDF File for Upload (Manual)

Mark request rejected and do not send reply: ☐

☐ Enter alternative information below to use for one time delivery information:

CANCEL

MARK REJECTED

PREVIEW REPLY

SEND REPLY

Managing Rejections to an Individual Right of Access Request

3.3. Mark Request as Rejected—Defect List

The first step is to select why the Contact rejected the Individual Right of Access request by choosing one or more options.

Please indicate why the request sent to Magic Kingdom Medical Center was rejected by checking one or more of the boxes below.

- ☒ Revocation statement missing on the authorization.
- ☒ Expiration date missing on the authorization.
- ☒ Purpose of disclosure missing on the authorization.
- ☒ Redisclosure statement missing on the authorization.
- ☒ Ability or inability to condition treatment statement missing.
- ☒ Authorization is not signed by the patient or personal representative.
- ☒ Authorization is not dated.
- ☒ HIPAA Authorization is missing, required, or must use their HIPAA Authorization.
- ☒ Signature must be notarized.
- ☒ HITECH Request is not valid or is not accepted.
- ☒ Emailed, faxed, or mailed requests not accepted. Must use specific web portal or service.
- ☒ Reproductive Health Care Attestation.

Reason request was rejected: *

☒ Other Some other reason from the HIPAA police.

The list covers 95% or more of the reasons why a Contact rejects a request. The rejection letter's exact title, label, or description may not match the list. Based on the explanations below, select the closest match.

1. **Revocation statement missing on the authorization.** For requests issued under HIPAA 45 CFR 164.508, the HIPAA authorization must include a statement that the individual can revoke the authorization, explain how to revoke the authorization, and that the revocation does not cover past actions already taken. For instance, protected health information was released before receiving the revocation. The revocation statement does not apply to an individual right of access request. As of March 8, 2023, requests issued by Arctrieval do include a revocation statement, and this should no longer be an issue.
2. **Expiration date missing on the authorization.** For requests issued under HIPAA 45 CFR 164.508, the HIPAA authorization must include a statement regarding the authorization's duration. A typical expiration statement is, "Unless otherwise revoked, this Authorization expires (insert date). If no date is indicated, it will expire upon its completion or 12 Months from the date of signature, whichever comes first." An Individual Right of Access request is only for a single request and expires after completion, and expiration statements do not apply. As of March 8, 2023, requests issued by Arctrieval do include an expiration statement, and this should no longer be an issue.

Managing Rejections to an Individual Right of Access Request



3. **Purpose of disclosure missing on the authorization.** For requests issued under HIPAA 45 CFR 164.508, the HIPAA authorization must include a statement regarding how the protected health information will be used and why it is being requested. The purpose of disclosure is not required for an Individual Right of Access request.
4. **Redisclosure statement missing on the authorization.** For requests issued under HIPAA 45 CFR 164.508, the HIPAA authorization must include a statement informing the individual that the information provided may be redisclosed to another party after it is released. A typical redisclosure statement is, "Information disclosed pursuant to this authorization could be redisclosed by the recipient. In some cases, such redisclosure is not prohibited by law and may no longer be protected by federal confidentiality law (HIPAA)." The redisclosure statement is not required for an Individual Right of Access request. As of March 8, 2023, requests issued by Arctrieval do include a redisclosure statement, and this should no longer be an issue.
5. **Ability or inability to condition treatment statement missing.** For requests issued under HIPAA 45 CFR 164.508, the HIPAA authorization must include a statement informing the individual that refusing to sign will not prevent them from obtaining health care or related services. A typical treatment conditioning statement is, "I may refuse to sign this authorization. My refusal will not affect my ability to obtain treatment, payment, or eligibility for benefits." The conditioning statement is not required for an Individual Right of Access request.
6. **Authorization is not signed by the patient or personal representative.** Provided complete and correct information for a Client was entered, and the Client's signature was uploaded into Arctrieval; the defect results from the person processing the request not reading or understanding the Individual Right of Access request. The defect is usually combined with another defect, such as a missing HIPAA Authorization.
7. **Authorization is not dated.** The defect results from the person processing the request not reading or understanding the Individual Right of Access request. Every Individual Right of Access Request created by Arctrieval has a date at the top of the request and a date under the signature. The defect is usually combined with another defect, such as a missing HIPAA Authorization.
8. **HIPAA Authorization is missing, required, or must use their HIPAA Authorization.** The defect results when the person processing the request does not understand the difference between a valid Individual Right of Access request and a defective 3rd Party HIPAA Authorization. The staff was only trained on the 3rd Party HIPAA Authorization checklist. In light of a valid Individual Right of Access request, requiring a HIPAA Authorization is an unreasonable measure that impedes access to protected health information. Their mistake is explained in detail in the letter sent to the Contact about the rejection and the penalties levied against organizations for similar behavior.
9. **Signature must be notarized.** In light of a valid Individual Right of Access request, requiring a notarized signature is an unreasonable measure that impedes access to protected health information. Their mistake is explained in detail in the letter sent to the Contact about the rejection and the penalties levied against organizations for similar behavior.

10. **HITECH Request is not valid or is not accepted.** The defect results when the person processing the request does not understand Judge Metha's decision in Ciox vs. Azar as a reason to require a third-party HIPAA Authorization. Judge Metha's decision did not alter an individual's right of access under HIPAA and HITECH. Their mistake is explained in detail in the letter sent to the Contact about the rejection and the penalties levied against organizations for similar behavior.
11. **Emailed, faxed, or mailed requests not accepted. Must use specific web portal or service.** With an individual right of access request, a provider cannot require an individual or personal representative to submit a request using a specific method. Email, fax, and mail are widely accepted business communication methods. Requiring the request be submitted only through an online portal or other web service is burdensome and impedes access to the information. The correspondence sent to the provider explains the issue.
12. **Reproductive Health Care Attestation.** The defect results when the person processing the request does not understand the Final Rule to modify the HIPAA Privacy Rule to support reproductive healthcare privacy that went into effect on June 25, 2024. The Final Rule did not change an individual's or their personal representative's right to access information through a patient access request and direct it to a designated third party. However, covered entities and release of information vendors have taken the stance that an attestation must accompany all requests for protected health information, regardless of whether the records contain reproductive health information.
13. **Other.** If the reason the Contact rejected the request is not covered by one of the reasons in the defect list, you can provide an alternative description of the issue. However, the rejection may signal that something needs to be corrected with your data in Arctrieval before the Contact can release the protected health information.

For example, a request may be rejected because the signature on the individual right of access request was illegible. On the other hand, you may be in a situation where some Contacts caught the issue, and others did not see or overlook the error. Sometimes, the lack of staff training will work in your favor.

If you are unsure how to proceed, please get in touch with support at Support@Arctrieval.com.



Regardless of the specific potential defect, Contacts reject the individual right of access request because they do not understand the HIPAA Privacy Rule, do not properly train their staff, and want to force others to use the Contact's request process for their benefit. Do not fall into the Contact's trap by sending in a HIPAA Authorization when you have already issued an Individual Right of Access request. It may seem like the quickest solution, but in the long run, it will cause you more work and is a disservice to your Clients.

Managing Rejections to an Individual Right of Access Request

3.4. Mark Request as Rejected—Reply Date

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



In the example, the rejection letter was received on November 4, 2022.

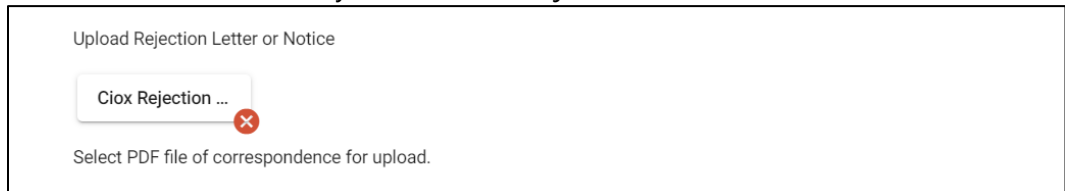
3.5. Mark Request as Rejection—Upload Rejection Letter or Notice

While not required, it is a best practice to upload a PDF file of the rejection letter or notice you received from the Contact.



After selecting a file, the first part of the file name will appear as the button label, as shown in the following image. The rejection letter is included in the Request Rejection Letter created by Arctreival.

You need to convert the email into a PDF file if you received a rejection email from the Contact and not a formal letter.



1. For Windows Users:
 - a. Open the email you received.
 - b. Select the Print function.
 - c. Set the Printer to Microsoft Print to PDF
 - d. Press the Print button.
 - e. The Save Print Output As dialog box will open.
 - f. Choose a File Name and location to store the PDF file.
2. For Apple Users:
 - a. Open the email you received; in the menu bar at the top of the screen, select File > Print.
 - b. A printing dialog will open. Ignore the Print button. You will see a small drop-down menu near the bottom of the Print window labeled "PDF." Click on it.
 - c. In the PDF drop-down menu, select "Save as PDF."
 - d. The Save dialog will open up. Type the file name you'd like and choose the location, then click "Save."

Managing Rejections to an Individual Right of Access Request

3.6. Mark Request as Rejected—Send Reply

You have two choices for finalizing the activity and whether or not to send the Rejected Request Letter to the Contact. The first choice is to have the Arctriever system send the Rejected 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.

Send reply to Contact using:

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

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

Mark request rejected and do not send reply: ☐

CANCEL

MARK REJECTED

PREVIEW REPLY

SEND REPLY

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



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

3.7. Mark Request as Rejected—Do Not Send Reply

The second option is to mark the request as rejected in your Arctriever account, create the Rejected Request Letter, and wait to send it to the Contact. Before sending it, you may need to clarify any extenuating circumstances surrounding the rejection.

Send reply to Contact using:

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

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

Mark request rejected and do not send reply: ☒

CANCEL

MARK REJECTED

PREVIEW REPLY

SEND REPLY

Managing Rejections to an Individual Right of Access Request

3.8. Enter alternative information to use for one-time delivery.

Sometimes, the rejection correspondence must be sent to a location, department, or person other than the one where the initial request was sent. By checking the box next to Enter alternative information below to use for one-time delivery information, you can send the rejection correspondence to the desired location. You can send the rejection correspondence to as many places, departments, or people as you want by completing the information for each one.

☒ Enter alternative information below to use for one time delivery information:

Fax:

(###) ###-####

Email:

First Name:

Last Name:

Organization:

4. Finalizing the Rejected Request Activity

After you click the Send Reply or Mark Rejected button, the Arctriever system performs the following actions.

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