

**HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES**

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|----------------------|--|-----------------|--|
| Chapter 11           | Patient Privacy Policies   | Effective:      | April 2003   |
| Section 11.3         | Patients' Rights in Regard to Privacy of Protected Health Information  | Revised:        | February 2006  |
| <b>Policy 11.3.5</b> | <b>Right to Restrict Uses and Disclosures and Confidential Communication of Protected Health Information</b> | Responsibility: | Assistant Vice President for Regulatory Affairs & Compliance |

## **RIGHT TO RESTRICT USES AND DISCLOSURES AND CONFIDENTIAL COMMUNICATIONS OF PROTECTED HEALTH INFORMATION**

### **Policy**

An individual has a right to request restrictions on uses and disclosures of protected health information.

1. The Health Science Center may use and disclose protected health information without the written consent or authorization to release the information from the individual as defined in this policy. The individual must be informed in advance of the use or disclosure and have the opportunity to agree, prohibit, or restrict certain disclosures.
2. The Health Science Center must permit an individual to request that the Health Science Center restrict certain uses and disclosures of protected health information about the individual to carry out treatment, payment or health care operations.
3. The Health Science Center is not required to agree to a restriction. If the Health Science Center does agree to a restriction, the Health Science Center may not use or disclose protected health information in violation of such restriction, except that, if the individual who requested the restriction needs emergency treatment and the restricted protected health information is needed to provide emergency treatment. The Health Science Center may use the restricted protected health information itself or may disclose such restricted protected health information to a healthcare provider to provide emergency treatment.

If restricted protected health information is disclosed to another health care provider for emergency treatment, the Health Science Center must request that the health care provider not further use or disclose the protected health information. A restriction agreed to by the Health Science Center does not apply to:

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- a. Uses or disclosures from being made to the individual for inspection and copying their own protected health information;
  - b. The individual from obtaining an accounting of disclosures of protected health information;
  - c. The inclusion of a facility directory if the policy outlining facility directories is followed; or,
  - d. For uses and disclosures for which consent, authorization or opportunity to agree or object is not required.
4. The Health Science Center must document agreement, prohibition, or restriction in the medical record using the [Restriction Request Form](#).

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**Terminating a Restriction**

The Health Science Center may terminate its agreement to a restriction if:

1. The individual agrees to or requests the termination in writing;
2. The individual orally agrees to the termination and the oral agreement is documented; or,
3. The Health Science Center informs the individual that it is terminating the restriction. Any protected health information created and received after the termination will not be restricted. However, any protected health information created or received before the termination will be restricted.

If the Health Science Center agrees to a restriction, staff must document the restriction and maintain such documentation for at least six years.

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**Confidential  
Communication**

The Health Science Center must permit individuals to request and must accommodate reasonable requests by individuals to receive communications of protected health information from the Health Science Center by alternative means or at alternative locations. The Health Science Center may require the individual to make a request for confidential communication in writing by completing the [Request for Confidential Communications Regarding Medical Information](#) form. The Health Science Center may condition the provision of reasonable accommodation on:

1. When appropriate, information as to how payment, if any, will be handled; and,
2. Specifications of an alternative address or other method of contact.

The Health Science Center may not require an explanation from the individual as to the basis for the request as a condition of providing communications on a confidential basis.