

HIPAA Privacy – Requests for Restrictions on the Use or Disclosure of PHI

AD.HP75

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POLICY:

Patients or their representatives have the right to request restrictions on how their protected health information (PHI) is used and/or disclosed for treatment, payment and health care operations.

PROCEDURE:

1. Patients are informed of their right to request restrictions on the use and disclosure of their PHI in the hospice's *Notice of Privacy Practices*.
2. All requests by patients for restrictions on the use and disclosure of their health information must be forwarded to the Privacy Officer or designee for approval.
3. Hospice employees may not grant or deny a patient's request for restrictions without prior authorization from the Privacy Officer or designee.
4. Lifesong Hospice and Palliative Care will agree to a patient's request for restrictions on the use and disclosure of their health information if it is reasonable and in the patient's best interests.
5. Lifesong Hospice and Palliative Care will always agree to a patient's request for restrictions on the use and disclosure of their information if:
 - a. The disclosure is to a health plan for purposes of carrying out healthcare operations or payment (and not for treatment purposes), except as required by law; and
 - b. The PHI pertains solely to a healthcare item or service for which the company has been paid in full by the individual, out of pocket.

When a request for restriction(s) is accepted:

1. The patient is informed of any potential consequences of the restriction.
2. A notation is made in writing in the patient's medical record.
3. The hospice will not use or disclose PHI inconsistent with the agreed restriction, nor will its business associates.
4. The patient is informed that the hospice is not required to comply with the agreed upon restriction(s) in emergency treatment situations.

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5. If the agreed upon restriction hampers treatment, the hospice asks the patient to modify or revoke the restriction, and gets written agreement to the modification or revocation, or documents an oral agreement.
6. The use and/or disclosure of protected health information is consistent with the status of the restriction in effect on the date it is used or disclosed.
7. Written documentation of the agreed to restriction is maintained for six (6) years from the date of its creation or the date when it was last in effect, whichever is later.

A request for restriction(s) may be denied:

1. If the restriction would negatively affect the patient's care;
2. If the restriction is not in the patient's best medical interest;
3. The restriction is for items or services that have been paid in full out of pocket but in fact the payment has not been made despite reasonable attempts to obtain payment; and/or
4. The request is unreasonable and would make the provision of care impossible.

When a request for restriction(s) is denied by [Country Meadows Hospice]:

1. The patient is provided with an explanation of the reasons for the denial.
2. The patient is given the opportunity to discuss his/her privacy concerns if desired.
3. Efforts will be made to assist the patient in modifying the request for restrictions to accommodate their concerns and obtain agreement by the hospice.

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