

Section 3 Subject 6.2	Compliance Policies HIPAA: Privacy and Disclosure	00/00/03	- Effective - Revised - Reviewed
Policy 6.2.27	Requests for Restricting Use and Disclosure and Confidential Communication	Compliance Office	- Author

Requests for Restricting Use and Disclosure and Confidential Communication

Audience

The information in this document applies to all UTMB faculty, staff, students, volunteers, and any other contractors or agents granted access to Protected Health Information (PHI).

Definitions

Restriction: An agreed upon limitations on use and disclosure of PHI about an individual to carry out Treatment, Payment or health care Operations (TPO) and disclosures for involvement in the individual's care. For instance, UTMB may use and disclose PHI for TPO but the patient may request UTMB not to use or disclose PHI for other instances.

Policy

UTMB must permit an individual to request that UTMB restrict:

1. Uses and disclosures of PHI about the individual to carry out TPO.
2. Permitted uses and disclosures as outlined in IHOP Policy #6.2.4, *Uses and Disclosures of PHI for Facility Directories*, and IHOP Policy #6.2.2, *Use and Disclosure of PHI to Family and Friends – Individual Care and Notification Purposes*.

UTMB is not required to agree to a restriction. If UTMB does agree to a restriction, UTMB may not use or disclose PHI in violation of such restriction, except that, if the individual who requested the restriction is in need of emergency treatment and the restricted PHI is needed to provide emergency treatment. UTMB may use the restricted PHI itself or UTMB may disclose such restricted PHI to a health care provider to provide such treatment to the individual. If restricted PHI is disclosed to another health care provider for emergency treatment, as outlined above, UTMB must request that the health care provider not further use or disclose the PHI.

A restriction agreed to by UTMB is not effective to prevent

- uses or disclosures from being made to the individual for inspection and copying their own PHI,
- the individual from obtaining an accounting of disclosures of PHI,
- the inclusion of a facility directory if the policy outlining facility directories is followed, or
- uses and disclosure for which consent, authorization or opportunity to agree or object is not required.

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Terminating a Restriction

UTMB may terminate its agreement to a restriction if:

- The individual agrees to or requests the termination in writing,
- The individual orally agrees to the termination and the oral agreement is documented, or
- UTMB informs the individual that it is terminating the restriction. Any PHI created and received after the termination will not be restricted. However, any PHI created or received before the termination will be restricted.

Confidential Communications

A request for restricting confidential communications can occur anytime and requires a change in the patient’s designated address. UTMB must permit individuals to request and must accommodate reasonable requests by individuals to receive communications of PHI from UTMB by alternative locations. It is up to the patient to change the address back to the original designated address. UTMB may require the individual to make a request for confidential communication in writing. UTMB may condition the provision of a reasonable accommodation on:

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

UTMB 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.

Enforcement

All supervisors are responsible for enforcing this policy. Individuals who violate this policy will be subject to the appropriate and applicable disciplinary process, up to and including termination or dismissal.

References

45 C.F.R. §164.522
