



HIPPA Privacy Rule Policies

Policies and Procedures	Policy # 7	
REQUESTS FOR RESTRICTIONS ON USES AND DISCLOSURES		
APPROVED BY:	ADOPTED:	
	REVISED: 07122017	
SUPERCEDES POLICY: NEW	REVIEWED: 07122017	

Purpose

To describe the circumstances under which an individual has the right to request restrictions on uses or disclosures of their Protected Health Information (PHI) and how LifeMed ID will assist its customers with implementing granted restriction requests in accordance with state and federal privacy laws, HIPAA Regulations and LifeMed ID’s contracts with its customers.

Policy

It is the policy of LifeMed ID to protect PHI and to comply with restrictions on the use or disclosure of individuals’ PHI that have been granted by the applicable customer and to respond to an individual’s request in accordance with state and federal privacy laws, HIPAA Regulations and LifeMed ID’s contracts with its customers.

All workforce members must comply with this policy. Violations of this policy will result in disciplinary action based on the seriousness of the offense or other factors. Disciplinary action may include written warning, suspension, or termination.

Definitions

“Customer” is an entity from which LifeMed ID receives PHI subject to a Business Associate Agreement (or other written agreement with the entity) in compliance with the HIPAA Regulations and approved by LifeMed ID’s legal counsel.

For definitions of other capitalized terms or phrases, please refer to: *HIPAA-HITECH Privacy and Security Glossary*.

Procedures

1. Individual’s Right to Request Restrictions. Individuals have the right to request that a Covered Entity restrict how their PHI is used or disclosed, including:
 - a. For Treatment or Payment purposes or Health Care Operations. Refer to: *Privacy Policies #18: Uses and Disclosures for Treatment Purposes, #19: Uses and Disclosures for Payment Purposes, and #20: Uses and Disclosures for Health Care Operations, or*





- b. For disclosures to people involved in the individual's care. Only the individual or the individual's Personal Representative may request a restriction. Refer to: *Privacy Policy #13: Personal Representatives*.
2. Responsibility for Restriction Request Determinations.
 - a. The customer's Privacy Officer is responsible for granting or denying an individual's request for restrictions on uses and disclosures of their PHI.
 - b. Any LifeMed ID workforce member who receives a notice from a customer that a restriction request has been granted will forward the notice immediately to the LifeMed ID's Privacy Officer, which will oversee responding to or handling the notice.
3. Required Restrictions. A Covered Entity is not required to agree to a requested restriction, unless the request is to restrict disclosure of PHI about the individual to a Health Plan and:
 - a. The disclosure is for the purpose of carrying out Payment or Health Care Operations and is not otherwise required by law, and
 - b. The PHI pertains solely to a Health Care item or service for which the individual (or a person, other than the Health Plan, on behalf of the individual), has paid the Covered Entity in full.
4. Requests from LifeMed ID's Customer.
 - a. If the customer notifies LifeMed ID of a granted restriction request, LifeMed ID will limit its uses and disclosure to comply with the request.
 - b. Any LifeMed ID workforce member that receives a notice from a customer requesting LifeMed ID to implement a granted restriction request will forward the request to LifeMed ID's Privacy Officer.
 - c. LifeMed ID's Privacy Officer will oversee implementing the necessary procedures to comply with the granted request.
5. Request Made Directly to LifeMed ID If an individual or an individual's Personal Representative submits a request directly to LifeMed ID to restrict use or disclosure of their PHI:
 - a. The workforce member receiving the request or his/her supervisor will:
 - i. Refer the individual or the individual's Personal Representative to LifeMed ID's customer service department to initiate the request, and
 - ii. Notify LifeMed ID's Privacy Officer.
 - b. LifeMed ID's Privacy Officer will notify the customer's Privacy Office regarding the request.



If the customer's Privacy Office grants the restriction, the LifeMed ID Privacy Officer will oversee implementing the necessary procedures to comply with the granted request.

6. Terminating a Restriction. If LifeMed ID's customer terminates its agreement to a restriction and provides the date that the individual will be or has been informed, the LifeMed ID Privacy Officer will notify the designated quality officer to remove the restriction, except that such termination is only effective with respect to PHI created or received after the individual has been informed.
7. Documentation. The designated office will document the information about the handling of the request for restriction in the individual's record as required by the customer or the customer's contract, and in accordance with LifeMed ID's internal policies and procedures. The LifeMed ID Privacy Officer will ensure that documentation associated with a restriction that has been granted includes:
 - a. The titles of the persons or offices at your customer responsible for processing requests for restrictions by individuals,
 - b. The titles of persons and office at LifeMed ID responsible for receiving and implementing requests for restrictions granted by your customer, and
 - c. Steps taken by LifeMed ID to accommodate a granted restriction request.

Documentation

This version of the policy, together with any forms and other documentation created or obtained in accordance with the policy, will be retained by LifeMed ID for a period of at least 6 years plus the current year from the date of creation or the date when last in effect, whichever is later.



Regulatory Authority

45 C.F.R. §164.522 Rights to request privacy protection for protected health information.

(a) **(1) Standard:** *Right of an individual to request restriction of uses and disclosures.*

(i) *A covered entity must permit an individual to request that the covered entity restrict:*

(A) *Uses or disclosures of protected health information about the individual to carry out treatment, payment, or health care operations; and*

(B) *Disclosures permitted under §164.510(b).*

(ii) *Except as provided in paragraph (a)(1)(vi) of this section, A covered entity is not required to agree to a restriction.*

(iii) *A covered entity that agrees to a restriction under paragraph (a)(1)(i) of this section may not use or disclose protected health information in violation of such restriction, except that, if the individual who requested the restriction is in need of emergency treatment and the restricted protected health information is needed to provide the emergency treatment, the covered entity may use the restricted protected health information, or may disclose such information to a health care provider, to provide such treatment to the individual.*

(iv) *If restricted protected health information is disclosed to a health care provider for emergency treatment under paragraph (a)(1)(iii) of this section, the covered entity must request that such health care provider not further use or disclose the information.*

(v) *A restriction agreed to by a covered entity under paragraph (a) of this section, is not effective under this subpart to prevent uses or disclosures permitted or required under §§164.502(a)(2)(ii), 164.510(a) or 164.512.*

(vi) *A covered entity must agree to the request of an individual to restrict disclosure of protected health information about the individual to a health plan if:*

(A) *The disclosure is for the purpose of carrying out payment or health care operations and is not otherwise required by law; and*

(B) *The protected health information pertains solely to a health care item or service for which the individual, or person other than the health plan on behalf of the individual, has paid the covered entity in full.*

(2) Implementation specifications: *Terminating a restriction. A covered entity may terminate a restriction, if:*

(i) *The individual agrees to or requests the termination in writing;*

(ii) *The individual orally agrees to the termination and the oral agreement is documented;*
or

(iii) *The covered entity informs the individual that it is terminating its agreement to a restriction, except that such termination is:*



(A) Not effective for protected health information restricted under paragraph (a)(1)(vi) of this section; and

(B) only effective with respect to protected health information created or received after it has so informed the individual.

(3) Implementation specification: *Documentation. A covered entity must document a restriction in accordance with §164.530(j) of this subchapter.*



References

Internal

1. Privacy Policy #13, Personal Representatives
2. Privacy Policy #18, Uses and Disclosures for Treatment Purposes
3. Privacy Policy #19, Uses and Disclosures for Payment Purposes
4. Privacy Policy #20, Uses and Disclosures for Health Care Operations
5. Privacy Policy #26, Other Permissible Uses and Disclosures

External

1. Omnibus Final Rule: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=a1031c979126e6440b522063b7bba578&rgn=div5&view=text&node=45:1.0.1.3.78&idno=45%20>