



HIPPA Privacy Rule Policies

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| Policies and Procedures | Policy # 8 | |
| REQUESTS FOR CONFIDENTIAL COMMUNICATIONS | | |
| APPROVED BY: | ADOPTED: | |
| | REVISED: 07122017 | |
| SUPERCEDES POLICY: NEW | REVIEWED: 07122017 | |

Purpose

To describe the circumstances under which an individual has the right to request changes in the method of communications of their Protected Health Information (PHI) and how LifeMed ID will assist its customers with implementing granted confidential communication 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 confidential communication requests regarding an individual's PHI that have been granted by a customer and to respond to an individual's requests 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 Confidential Communications. Individuals have the right to request that communications from LifeMed ID be delivered by alternative means or at alternative locations (such as postal address, email address, telephone number).
 - a. A Health Care Provider must accommodate reasonable requests by individuals to receive communications of PHI by alternative means or at alternative locations.



Only the individual or the individual's Personal Representative may request a change in confidential communications. Refer to: *Privacy Policy #13: Personal Representatives*.

2. Responsibility for Confidential Communications Determinations.

- a. The customer's Privacy Officer is responsible for granting or denying an individual's request for confidential communications.
- b. Any LifeMed ID workforce member who receives a notice from a customer that a confidential communication 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. Requests from LifeMed ID's Customer.

- a. If the customer notifies LifeMed ID of a granted confidential communication request, LifeMed ID will comply with the request.
- b. Any LifeMed ID workforce member that receives a notice from a customer requesting LifeMed ID to implement a granted confidential communication 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.

4. Request Made Directly to LifeMed ID If an individual or an individual's Personal Representative submits a request directly to LifeMed ID to change the means or location for receiving confidential communications of their PHI:

- a. The workforce member receiving the request or his/her supervisor will:
 - 1. 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 request, the LifeMed ID Privacy Officer will oversee implementing the necessary procedures to comply with the granted request as described above.

5. Documentation. The designated office will document the information about the handling of the request for confidential communications 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 confidential communication request that has been granted includes:

- a. The titles of the persons or offices at your customer responsible for processing requests for confidential communication by individuals,



- b. The titles of persons and office at LifeMed ID responsible for receiving and implementing requests for confidential communication granted by your customer, and
- c. Steps taken by LifeMed ID to accommodate a granted request for confidential communication.

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.

(b) **(1) Standard:** *Confidential communications requirements.*

(i) *A covered health care provider must permit individuals to request and must accommodate reasonable requests by individuals to receive communications of protected health information from the covered health care provider by alternative means or at alternative locations.*

(ii) *A health plan must permit individuals to request and must accommodate reasonable requests by individuals to receive communications of protected health information from the health plan by alternative means or at alternative locations, if the individual clearly states that the disclosure of all or part of that information could endanger the individual.*

(2) Implementation specifications: *Conditions on providing confidential communications.*

(i) *A covered entity may require the individual to make a request for a confidential communication described in paragraph (b)(1) of this section in writing.*

(ii) *A covered entity may condition the provision of a reasonable accommodation on:*

(A) *When appropriate, information as to how payment, if any, will be handled; and*

(B) *Specification of an alternative address or other method of contact.*

(iii) *A covered health care provider 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.*

(iv) *A health plan may require that a request contain a statement that disclosure of all or part of the information to which the request pertains could endanger the individual.*



References

Internal

1. Privacy Policy #13, Personal Representatives

External

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