

Original Draft Date: January 13, 2003
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SUBJECT: Patient's Right to Request Restrictions on Certain Uses and Disclosures of Protected Health Information

HIPAA CITES: 45 C.F.R. §164.522(a)

DEPARTMENT: All Departments of Kewaunee County

POLICY NUMBER: 112

I. POLICY:

- A. Kewaunee County recognizes the right of a patient to request that Kewaunee County restrict its:
1. Uses or disclosures of the patient's Protected Health Information to carry out Treatment, Payment or Health Care Operations pursuant to Policy # 102;
 2. Disclosures of the patient's Protected Health Information to the patient's family member, other relative, close personal friend, or any other person identified by the patient if the Protected Health Information is directly relevant to such person's involvement with the patient's care (or Payment related to the patient's care) pursuant to Policy # 104
 3. Disclosures of the patient's Protected Health Information to notify, or assist in the notification of (including identifying or locating), the patient's family member, Personal Representative or other person responsible for the patient's care of the patient's location, general condition or death pursuant to Policy # 104; and
 4. Disclosures to public or private entities authorized to assist in disaster relief efforts, for the purpose of coordinating with such entities the disclosures of the patient's location, general condition or death to the patient's family member, Personal Representative or other person responsible for the patient's care pursuant to Policy # 104.

- B. However, because Kewaunee County is not required to agree to such a restriction, Kewaunee County will evaluate such requests in accordance with this policy.

II. **PROCEDURES:**

- A. Requests to Restrict Uses and Disclosures of Protected Health Information
 - 1. Kewaunee County may consider a patient's request that Kewaunee County restrict its uses and disclosures described in Section I.A above.
 - 2. However, because Kewaunee County is not required to agree to a restriction requested by a patient, it will only consider the addition of restrictions on disclosure in limited circumstances and as determined on a case-by-case basis. In all cases, no restrictions will be accepted by Kewaunee County without prior consultation among the patient, patient's attending physician, the floor nurse supervisor and the Privacy Officer.

- B. Exceptions to Restrictions. If Kewaunee County has agreed to restrict the use or disclosure of Protected Health Information pursuant to Section II.A above, Kewaunee County may use or disclose the restricted Protected Health Information in violation of such restriction if:
 - 1. The patient who requested the restriction is in need of emergency Treatment and the restricted Protected Health Information is needed to provide the emergency Treatment. Kewaunee County may use the restricted Protected Health Information, or may disclose such information to a Health Care Provider, to provide such Treatment to the patient, provided that Kewaunee County must request that such Health Care Provider not further use or disclose such information;
 - 2. Such use or disclosure is required to be disclosed to the Director, Office for Civil Rights of the U.S. Department of Health and Human Services in order to investigate or determine Kewaunee County's compliance with the Privacy Rule;
 - 3. Such use or disclosure is permitted or required under Policy #104 (relating to uses and disclosures based on public policy which do not require a patient's authorization).

- C. Grounds For Terminating a Restriction. If Kewaunee County has agreed to restrict the use or disclosure of Protected Health Information pursuant to Section II.A above, Kewaunee County may terminate its agreement to restrict its use or disclosure of such Protected Health Information, if one of the following grounds for termination exists:
1. the patient agrees to or requests the termination in writing;
 2. the patient orally agrees to the termination and the oral agreement is documented; or
 3. Kewaunee County informs the patient that it is terminating its agreement to a restriction, except that such termination is only effective with respect to Protected Health Information about the patient created or received after Kewaunee County has so informed the patient.
- D. Documentation. Kewaunee County shall document any restriction in the patient's medical record and such restriction will be highlighted on the cover of the patient's chart in the same manner as patient's allergies to medication. Kewaunee County shall maintain such documentation for six (6) years from the date when the restriction was last in effect.