RIGHT TO RESTRICT CERTAIN DISCLOSURES OF PROTECTED HEALTH INFORMATION TO A HEALTH PLAN

Policy

An individual has a right to request restrictions on certain disclosures of protected health information to a health plan.

1. The Health Science Center may use and disclose protected health information without the written consent or authorization to release the information from the individual as defined in this policy. The individual must be informed in advance of the use or disclosure and have the opportunity to agree, prohibit, or restrict certain disclosures.

2. The Health Science Center must permit an individual to request that the Health Science Center restrict disclosures of protected health information to a health plan for the purpose of carrying out payment or health care operations, provided that the restriction applies to protected health information that pertains solely to a health care item or service for which the health care provider has been paid out of pocket in full. The Health Science Center must agree to the requested restriction unless the disclosure is otherwise required by law.

If restricted protected health information is disclosed to another health care provider for emergency treatment, the Health Science Center must request that the health care provider not further use or disclose the protected health information. A restriction agreed to by the Health Science Center does not apply to:

a. Uses or disclosures from being made to the individual for inspection and copying their own protected health information;

b. The individual from obtaining an accounting of disclosures of protected health information;
c. The inclusion of a facility directory if the policy outlining facility directories is followed; or,

d. For uses and disclosures for which consent, authorization or opportunity to agree or object is not required.

The Health Science Center must document agreement, prohibition, or restriction in the medical record using the Health Plan Restriction Request Form.

Terminating a Restriction

The Health Science Center may terminate its agreement to a restriction if:

1. The individual agrees to or requests the termination in writing; or

2. The individual orally agrees to the termination and the oral agreement is documented; or,

3. Any protected health information created and received after the termination will not be restricted. However, any protected health information created or received before the termination will be restricted.

The Health Science Center staff must document the restriction and maintain such documentation for at least six (6) years.