



ADMINISTRATIVE PRACTICES MANUAL

Client Request to Restrict the Use and/or Disclosure of PHI

PURPOSE

To set forth procedures for requests to restrict the use and disclosure of Protected Health Information (PHI).

PROCEDURE

Request for Restriction of Use or Disclosure of PHI

1. A request for a restriction will be completed by the client/patient or the workforce member using the **Restriction Request Form** and should be given to the HIPAA Privacy & Security Officer.
2. The Dane County covered component will respond to the request within 60 days whether the request will be granted.
3. The Dane County covered component may approve a client's/patient's request to restrict disclosure of PHI:
 - a. For the purpose of treatment, payment or health care operations;
 - b. To person's involved in the client's/patient's health care; or
 - c. To notify family members or others about the client's/patient's general condition, location or death.
4. The Dane County covered component is not required to agree to the restriction unless the disclosure:
 - a. it is to a health plan for purposes of carrying out payment or health care operations (not for treatment);
 - b. not otherwise required by law; and
 - c. PHI that pertains to a health care item or service for which the health care provider involved has been paid out-of-pocket in full by an individual.
5. If the agreed upon restriction(s) hampers treatment, a workforce member may ask the individual to modify or revoke the restriction(s). The Dane County covered component may require written agreement to the modification/revocation or document the client/patient's oral agreement. If the client/patient does not agree to the modification or revocation, the Dane County covered component can deny the request (as long as section 4 above does not apply).
6. If the Dane County covered component grants the restriction, then the covered component will:
 - a. Notify the client/patient that the request has been granted utilizing the **Response to Request for Restriction** form.
 - b. Ensure the restriction is documented in the client's/patient's record in a manner that ensures compliance with the restriction. The Dane County covered component will flag documents with any PHI pertaining to out-of-pocket restrictions to ensure restricted PHI is not inadvertently disclosed for payment or health care operations purposes.
 - c. The Dane County covered component will inform the individual that the restriction(s) will be honored with the following exceptions:
 - i. Emergency treatment situations in which Dane County may use or disclose information to a health care provider for providing treatment. Dane County will

- request that the emergency treatment provider not further use or disclose the information;
- ii. The restriction is terminated by either the Dane County covered component or the client/patient;
 - iii. To the extent applicable, if restrictions prevent uses or disclosures permitted or required under HIPAA.
 - iv. Where the PHI requested for restriction was used, disclosed, or released prior to the request.
7. If a client's/patient's restriction request includes PHI received from an external entity, the client/patient will be directed by the Dane County covered component to the entity or organization where the PHI originated.
 8. The Dane County covered component will notify any Business Associate to which the restriction(s) may apply.
 9. If the request for restriction is denied, The Dane County covered component will complete the **Response to Request for Restriction** form.

Emergency Situations

Emergency situations are circumstances in which The Dane County covered component may use or disclose PHI in a manner contrary to an agreed upon restriction. In order to use or disclose the PHI in an emergency situation, the following must occur:

1. The client/patient that requested the restriction must be in need of emergency treatment, and the restricted PHI must be necessary to provide the emergency treatment.
2. The Dane County covered component will inform the emergency treatment health care provider that they may not further use or disclose the restricted PHI.

Termination of Restriction

Dane County may terminate restrictions when the client/patient requests the termination in writing, or the client/patient orally requests the termination and a workforce member documents the termination. If Dane County is going to terminate the restriction, Dane County must inform the client/patient. Dane County's termination is only effective for PHI created or received after the termination notice is provided and only when Dane County is not required to agree to the restriction.

DOCUMENTATION

Dane County will maintain the documentation associated with this policy for a minimum of seven years.

ROLES & RESPONSIBILITIES

The HIPAA Privacy & Security Officer is responsible for the implementation, maintenance, and adherence to this policy.

RELATED DOCUMENTS

Definitions

Restriction Request form

Response to Request for Restriction form

DOCUMENT VERSION HISTORY

Original: 08/2023