



Standard Operating Policies - SOP # 8: HIPAA Right to Request Restrictions and Confidential Communication

Title:	HIPAA Right to Request Restrictions and Confidential Communication	Effective Date:	10/03/2014
Author:	Privacy Officer	Last Review Date:	12/01/2021
Location:	All Locations	Last Revision Date:	12/01/2021
Functional Area:	ADMINISTRATION		

POLICY

Individuals may request that Liberty's Covered Entity or Business Associate clients restrict how the Covered Entity client, Business Associate client and Liberty uses or discloses their PHI for treatment, payment, or health care operations. Generally, Liberty shall not be a direct recipient of the request for restrictions or confidential communications. Liberty shall implement restrictions requested by clients or if Liberty is the Covered Entity, the individual. All requests for restrictions shall be handled in accordance with the law and as expeditiously as possible.

PROCEDURE

1. All requests for restrictions shall be put into writing and contain enough specific information that Liberty's Privacy Officer can act with a full understanding of the individual's request. If a request is received orally, the individual requesting such restriction shall be asked to document the request in writing so that Liberty's Privacy Officer can act with a full understanding of the individual's request. All such requests shall be forwarded to the appropriate Covered Entity or Business Associate client in accordance with applicable Business Associate Agreement provisions. If the Covered Entity or Business Associate client agrees to the restriction, in general, the restriction does not prevent the following uses or disclosures: (a) to the Secretary of U.S. Department of Health & Human Services for an investigation to determine compliance with the HIPAA Rules or (b) when the Privacy Rule does not require the Covered Entity to obtain the individual's authorization or to give the individual an opportunity to object (*i.e.*, those that are required by law, for public health activities, concerning victims of abuse, neglect, or domestic violence, for health oversight activities, for judicial and administrative proceedings, for law enforcement purposes, about decedents, for organ and tissue donations, to avert serious threat to health or safety, for specialized government functions or for worker's compensation purposes).
2. The client may terminate a previously agreed upon restriction for several reasons. These reasons include: (a) the individual agrees to or requests the termination or (b) the Covered Entity informs the individual it is terminating the restriction agreement. The termination is only effective with respect to PHI created or received by the Covered Entity after it has informed the individual of the termination. Liberty's Privacy Officer, when notified by clients, shall fully document the termination of the restriction including all applicable dates.
3. Liberty shall notify all Business Associate Subcontractors of any restrictions which have been established through Liberty's Privacy Officer. All such notifications shall be memorialized in writing and maintained by the Privacy Officer.
4. Record Retention: All requests and associate response regarding restrictions to PHI shall be documented and retained for a minimum of six (6) years or as required by contract.

Approved By: _____

Revision History

Version	Date	Author	Summary of Changes
#1	10/03/2014	Judith Ann Shields	Initial ISF release – refactor and update of previous security policies into distinct documents
#2	12/22/2015	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#3	01/18/2016	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#4	12/22/2017	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#5	12/22/2018	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#6	12/22/2019	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#7	11/15/2019	Judith Ann Shields	Annual review, Attorney reviewed © LHC. Added inactivity lock requirement
#8	11/02/2020	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#9	12/01/2021	John Beck	Annual review and added all instances where an individual's authorization <u>is</u> not required and other minor changes. Added inactivity lock requirement