

PATIENT REQUESTS TO RESTRICT THE USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION POLICY

RESPONSIBILITY: Privacy Official or Designee(s), all Health Care Professionals

BACKGROUND:

Federal privacy regulations give patients the right to request that Behavioral Health and Health Facilities (BHHF) restrict the use or disclosure of some or all of their protected health information. However, the regulations make it clear that BHHF is not required to agree to any such request.

POLICY:

When a patient's concerns about confidentiality appear to be interfering with the quality of health care services, for example if such concerns make it impossible for a physician to obtain all relevant information from the patient, then BHHF may agree to a restriction on the use or disclosure of the sensitive information. Agreement to the restriction will be at the discretion of the health care professional who is caring for the patient at the time the restriction is requested. However, since such restrictions may interfere with the delivery of health care services, health professionals should agree only when they deem it necessary, in their professional judgment, to obtain information that is essential to the proper care of the patient.


Any restriction on the use or disclosure of PHI to which BHHF agrees must be fully documented, to assure that all members of the BHHF workforce are aware of the restriction and can abide by it.

Restricted information will not be used or disclosed in violation of the restriction unless such a use or disclosure is necessary for treatment of the patient in an emergency.

A restriction on the use or disclosure of protected health information may be terminated if the patient agrees to the termination, either in writing or orally. BHHF may terminate such a restriction without the patient's agreement, but in that case the restriction will still apply to protected health information obtained while the restriction was in effect.

Any restriction on the use or disclosure of protected health information, and the termination of any such restriction, will be fully documented in the patient's medical record. The documentation of an agreed restriction will be kept for as long as it is in force, plus six years or longer if required by state law or regulation. Documentation of termination of a restriction will be kept for at least six years or longer if required by state law or regulation.

Effective Date: 4/14/03
Dates Revised:



Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities