

PATHWAYS CMH

PROCEDURE TITLE: Recipient Request for a Restriction of Uses and Disclosures of PHI Procedure – Appendix 12 of Privacy Policy	CATEGORY: Recipient Rights
EFFECTIVE DATE: April 14, 2003; July 11, 2014; May 5, 2015; April 22, 2016; April 15, 2017	BOARD APPROVAL DATE: April 14, 2003
REVIEWED DATE: June 2013	REVISION(S) TO PROCEDURE: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
RESPONSIBLE PARTY/APPROVAL: Recipient Rights Supervisor or Designee/ Mary J. Swift, CEO	

PURPOSE:

To protect the rights of recipients.

PROCEDURES:

1. Right of a Recipient to Request Restriction of Uses and Disclosures.

Pathways and contract providers must honor a recipient’s request to restrict disclosures to a health plan and if the recipient pays for services in full (out-of-pocket), unless the disclosure is otherwise required by law. In any other situation, a recipient may request in writing a restriction on any use or disclosure of protected health information for treatment, payment, health care operations. Pathways is not required to agree to the restriction, however if in agreement, Pathways must protect the recipient’s health information according to the terms of the restriction. Pathways is required in some emergency situations to disregard the agreed upon restriction, however the health care provider will be asked not to further use or disclose the information. Each recipient will be afforded due process as follows:

- a. The recipient’s written request is received by Pathways.
- b. The request will be forwarded to the Privacy Officer or his/her designee for review. A determination will be made in five business days. The written determination will state whether or not Pathways does not agree, agrees in whole, or agrees in part to request.
- c. During the five business day window, Pathways will use and disclose the recipient’s PHI according to standard business practices.
- d. The Privacy Officer will ensure that all organizational personnel, departments, affiliations, or business associates affected by the restriction are notified.

2. Exceptions to adhering to an agreed upon restriction:

- a. In an emergency treatment situation, Pathways may use or disclose emergency disclosure is made, Pathways may use or disclose previously restricted PHI that is necessary to provide emergency treatment. If an emergency disclosure is made, Pathways will request that those who received the information not further use or disclose it.
 - b. Uses and disclosures to the Secretary of CMS to investigate or determine Pathways' compliance with the applicable local, state or federal law.
3. Terminating the Restriction:

The recipient shall notify Pathways in writing, that the restriction is terminated. The communication to terminate will be placed in the clinical record.
4. Conditions on providing confidential communications:

A recipient must provide in writing, any request to confidential communications.

REFERENCES:

45 CFR Part 164 Section 514. 522