

HARTSOUGH DERMATOLOGY

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Request Restriction of Disclosures Individual Rights

Introduction

One section of the Privacy Rule addresses the right of individuals to request a restriction on disclosures.¹ In general, a covered entity – including a physician – is required to have a policy with respect to allowing individuals to request a restriction in the use and disclosure of their PHI. A covered entity is not required to agree to any restriction, unless the request is consistent with § 13405(a) of the HITECH Act.

Policy

The practice accepts all requests for restrictions of disclosures of protected health information (PHI). The practice does not agree to any restrictions in the use or disclosure of PHI, unless the request is for payment or health care operations purposes when the practice has been paid out of pocket in full and is consistent with § 13405(a) of the HITECH Act as described in the following Procedure.

Procedure

All requests for restrictions of disclosures must be submitted in writing. They must be sent to the attention of the practice's Privacy Officer. Each request is recorded on and maintained with the Disclosure Restriction Log **Error! Reference source not found.** The Privacy Officer notifies the requestor in writing that the practice does not accept restrictions of disclosure unless: (a) the request has been previously agreed to by a Covered Entity and notes on the Disclosure Restriction Log the date the written notification was provided, or (b) the disclosure is to a health plan for a health care item or service where the health care provider involved has been paid out of pocket in full.

Requests from Health Plans for Payment or Health Care Operations: The practice will comply with an individual's request for restrictions on the use or disclosure of PHI to health plans for payment or health care operations purposes when the health care provider has been paid out of pocket in full consistent with § 13405(a) of the HITECH Act and the practice has been notified of the request for restriction by the individual, and the disclosure is not required by law.

Documentation

The practice retains the documentation as required by § 164.530(j), including the Disclosure Restriction Log, the written request for restriction, and the practice's response to that request. This information is maintained for a period of six years from the date of its creation.

¹ § 164.522(a) – Rights to Request Privacy Protection for Protected Health Information – Standard – Right of an Individual to Request Restriction of Uses and Disclosures. See also HITECH Act § 134.05(a).