

**UNIVERSITY OF KANSAS
WATKINS HEALTH SERVICES
ADMINISTRATION**

NUMBER: AD- 316	ISSUE DATE: 01/2003
TITLE: Patient Right to Request Restriction on Use or Disclosure	REVISED: 1/17/07; 1/14/15; 4/10/15
TITLE OF OWNER: Director	APPROVED: Director

PURPOSE:

To facilitate the patient's right to request a restriction on the use and disclosure of Protected Health Information (PHI) for treatment, payment or health care operations. Exceptions include psychotherapy notes, information compiled for use in civil, criminal or administrative actions, and information that is subject to prohibition by CLIA.

POLICY:

Watkins Health Services (WHS) patients may submit a written request to restrict the use and/or disclosure of PHI by completing AD-316-1 Request – Restrictions on Use or Disclosure of PHI.

1. Review of Request Form:
 - 1.1 If the request is related to private billing: The request will be reviewed and approved or denied by the Business Office staff.
 - 1.2 Any other request for restrictions is to be reviewed by the management of Registration & Records, or Administration.
2. Acceptability of a Request: The request must be thoroughly investigated in order to determine ability of WHS to consistently comply with the request.
NOTE: If the patient is requesting a restriction on disclosure to a health plan, we must grant the restriction as long as three conditions are met:
 - Disclosure relates to payment or healthcare operations
 - Disclosure is not required by law
 - AND, patient agrees to pay for item or service in full (see also BO-304 concerning the process for private billing).
3. If the request is accepted, the patient is notified. This notice must include the information that the restriction will not apply in emergency treatment situations.
Private billing: the patient should be given a copy of the completed form at the point of service.
Other requests: patient will be notified via written response from the person who approved the request or his/her designee.
4. The patient's records must be flagged to ensure compliance.
5. An agreement to a restriction may be terminated if:
 - The patient agrees to or requests the termination in writing.
 - The patient orally agrees to termination and oral agreement is documented.
 - WHS may unilaterally terminate the restriction if the patient is notified in writing. Such termination is only effective with respect to PHI created or received after the patient has been informed.

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6. If the request is denied, the patient must be notified in writing. Documentation of the request and the denial must be retained in the patient record.

REFERENCES:

This document is on file with the KU Policy Library.