



Oklahoma State University

Title: Right of an Individual to Request Restriction of Uses and Disclosures	Policy #: PRV-09.01
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.522(a)(1)
Standard: Right of an Individual to Request Restriction of Uses and Disclosures	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 2
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To identify patient rights regarding restrictions on uses and disclosures of Protected Health Information.

POLICY:

1. OSU must permit an individual to request that the covered entity restrict: *§164.522(a)(1)(i)*
 - a. Uses or disclosures of protected health information about the individual to carry out treatment, payment, or health care operations; and *§164.522(a)(1)(i)(A)*
 - b. Disclosures permitted under § 164.510(b). *§164.522(a)(1)(i)(B)*
2. Except as provided in paragraph (6) of this policy, OSU not required to agree to a restriction. *§164.522(a)(1)(ii)*
3. If OSU agrees to a restriction under paragraph (1) of this policy, then OSU may not use or disclose protected health information in violation of such restriction, except that, if the individual who requested the restriction is in need of emergency treatment and the restricted protected health information is needed to provide the emergency treatment, OSU may use the restricted protected health information, or may disclose such information to a health care provider, to provide such treatment to the individual. *§164.522(a)(1)(iii)*
4. If restricted protected health information is disclosed to a health care provider for emergency treatment under paragraph (3) of this policy, OSU must request that such health care provider not further use or disclose the information. *§164.522(a)(1)(iv)*
5. A restriction agreed to by OSU under this policy, is not effective under the Privacy Rule to prevent uses or disclosures permitted or required under §§ 164.502(a)(2)(ii), 164.510(a) or 164.512. *§164.522(a)(1)(v)*
6. OSU must agree to the request of an individual to restrict disclosure of protected health information about the individual to a health plan if: *§164.522(a)(1)(vi)*
 - a. The disclosure is for the purpose of carrying out payment or health care operations and is not otherwise required by law; and *§164.522(a)(1)(vi)(A)*
 - b. The protected health information pertains solely to a health care item or service for which the individual, or person other than the health plan on behalf of the individual, has paid the covered entity in full. *§164.522(a)(1)(vi)(B)*

PROCEDURE:



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1. If an individual requests a restriction, it has to be a valid restriction under this policy, and any other requirements that this policy references.
2. All such restrictions will be documented in the individuals Medical Record.
3. All restrictions, except those mentioned in paragraph 6 of this policy do not have to be agreed to by OSU.
4. The Faculty or Staff member's best judgment shall be used when determining to agree to such a restriction. The HIPAA Compliance Office will be available to help determine if or when OSU needs to agree or not agree to a restriction.
5. Under paragraph 6, if the individual wishes to restrict disclosure to their health plan,
 - a. OSU must accept and agree to that disclosure provided that:
 - i. Payment is made in full at time of rendered service;
 1. No discounts are to be made for payment in full.
 - ii. Requested restriction does not violate any other requirement or law.
 - iii. Only the individuals physician can agree to such a request
 - iv. The physician shall inform appropriate staff of such restriction immediately upon payment in full.
 1. Please note, if the patient does not request such a restriction, and the patient pays in full, we do not consider that a restriction. The patient or individual has to request the restriction either in writing or verbally on the date of the encounter before leaving the clinic.
 - b. The billing office shall not bill the individuals insurance if the individual paid the full amount of the encounter in question.
 - i. If the billing office does bill the individual's insurance, with a documented request on file, and the individual did pay in full, this shall be considered an inappropriate disclosure and the breach notification rules will need to be addressed.
 - ii. All items documented in the individuals Medical Record that pertain to the restricted encounter shall not be released, used or disclosed in any way that would violate such restriction.
 - iii. If the individual's health plan requests records for the individual, OSU shall not send the restricted records. OSU staff or Agents need to look for any such restriction before sending records.