

County Of San Diego
Health and Human Services Agency (HHS)

Chapter: Health Insurance Portability and Accountability Act of 1996 (HIPAA)
Key Words: privacy, confidential, communications

SUBJECT: Request for Confidential Communication **NO: HHS-L-5**
PAGE: 1 of 2
DATE: July 27, 2007

REFERENCE: Federal Privacy Regulations, 45 C.F.R. Subtitle A, Subchapter C, Parts 160 and 164.

PURPOSE: To establish a process to accommodate reasonable requests by individuals (patients/residents/clients) or their legal representatives to receive communications of protected health information from the County by alternative means.

BACKGROUND: County agencies designated as covered components must comply with privacy regulations promulgated under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). They must also comply with California laws and regulations pertaining to the use and disclosure of individually identifiable health information, unless such state laws and regulations are preempted by HIPAA.

HIPAA's privacy regulations outline many detailed requirements protecting the confidentiality of health information and providing individuals significant rights with respect to their health information. Compliance with these regulations is addressed in a series of County policies and procedures.

DEFINITIONS

Note: The definitions below are in compliance with HIPAA and the Standards for Privacy of Individually Identifiable Health Information (Privacy Rule).

Individually Identifiable Health Information: Information that is created or received by the County, identifies an individual (or could reasonably be used to identify an individual) and that:

- Relates to the past, present, or future physical or mental health or condition of an individual;
- Relates to the provision of health care to an individual; or
- Relates to the past, present, or future payment for the provision of health care to an individual.

This includes demographic information (such as name, address, date of birth, sex, and race) collected from an individual.

Protected Health Information (PHI): Individually identifiable health information that is transmitted or maintained electronically or by any other medium. PHI does not include educational records of students maintained by federally funded educational agencies or institutions or persons acting for these agencies or institutions. PHI also does not include records of (1) students who are 18 years or older or are attending post-secondary educational

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institutions, (2) maintained by a physical or mental health care provider, (3) that are made, maintained, or used only in connection with the treatment of the student, and (4) that are not available to anyone, except a health care provider or appropriate professional reviewing the record as designated by the student.

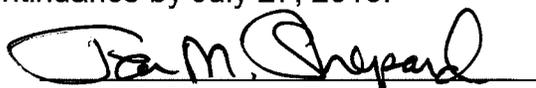
POLICY: In compliance with state and federal laws and regulations, the health care provider and health plan components of the County subject to the HIPAA Privacy Rule will permit individuals to request and will accommodate reasonable requests by individuals to receive communications of PHI from the County by alternative means or at alternative locations.

PROCEDURES:

1. The County will require that individuals submit written requests for a confidential communication.
2. The County will condition the provision of a reasonable accommodation on the following:
 - Information as to how payment, if any, will be handled; and
 - Specification of an alternative address or other method of contact.
3. A health care component of the County may not require an explanation from the individual as to the basis for the request as a condition of providing communications on a confidential basis.
4. A health plan component of the County may require that a request contain a statement that disclosure of all or part of the information to which the request pertains could endanger the individual.
5. Request for confidential communications will be referred to the individual designated by the program or facility for handling such requests.

QUESTIONS/INFORMATION: Privacy Officer of the County of San Diego

SUNSET DATE: This policy will be reviewed for continuance by July 27, 2010.

Approved: 
Jean M. Shepard, Director
Health and Human Services Agency