



## L - 04: Request for Restriction of Protected Health Information

POLICY: See HHS-A-L-04 Request for Restriction of Protected Health Information, at [www.cosdcompliance.org](http://www.cosdcompliance.org).

DEFINITIONS: See HHS-A Policy L-30 Privacy Definitions.

### PROCEDURES:

1. Requests
  - a. An individual may request restrictions on use or sharing of protected health information (PHI).
2. Form of Requests
  - a. All requests for restrictions must be in writing, using the County's approved form (HHS-A Form 23-04) or an alternative written request.
3. Review of Requests
  - a. The program shall review the request with Business Assurance and Compliance (BAC) before a decision is made to grant or deny the request.
    - i. HHS-A shall only grant requests from an individual with authority (see HHS-A Policy L-27).
    - ii. HHS-A must grant all requests to restrict information from a health plan for those services that the individual paid out-of-pocket in full.
4. Denying a Request
  - a. If the program, in consultation with BAC, determines that it cannot meet some or all the request, it shall notify the individual of the denial in writing. This letter shall be reviewed by BAC.
5. Retention
  - a. The program must maintain the individual's request and the response to the individual's request with the individual's medical or billing record for a minimum of six (6) years.
6. Terminating a Restriction
  - a. The County may terminate its agreement to a restriction, if:
    - i. The individual agrees to or requests the termination. If the individual's request is oral, the program shall document the agreement or request.
    - ii. The program informs the individual that it is terminating its agreement to the restriction, except that such termination is only effective with respect to PHI created or received after it has so informed the individual. Such terminations shall be reviewed by BAC prior to implementation.
7. Medical Emergencies

## BAC Privacy Procedure



- a. An agreed-upon restriction may be broken in a medical emergency. If restricted information is given to another provider for use in emergency treatment, the other provider must be asked to not further use or disclose the information.
8. Exceptions
- a. For more information about uses or disclosures to which restrictions do not apply, see HHS Policy L-25 Uses and Disclosures of Protected Health Information.

QUESTIONS/INFORMATION: Please contact HHS Business Assurance and Compliance (BAC) by email at [Compliance.HHSA@SDCounty.ca.gov](mailto:Compliance.HHSA@SDCounty.ca.gov) or by phone (619) 237-8571.