



**City of Winchester
Fire & Rescue Department
STANDARD OPERATING PROCEDURE**



Section:	HIPAA	SOP:	14.4
Subject:	Patient Request for Restriction of Protected Health Information	Executed:	May 28, 2015
		Revised:	
Approved:			
 Allen W. Baldwin, Fire Chief			

Purpose

The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the Health Information Technology for Economic and Clinical Health Act (“HITECH Act”) grant individuals the right to request that Winchester Fire & Rescue restrict its use of PHI contained in their medical record. Winchester Fire & Rescue has an obligation to abide by a requested restriction in accordance with federal and state law. To ensure that Winchester Fire & Rescue complies with its obligations under HIPAA and the HITECH Act, this policy outlines procedures for handling requests for restrictions on the use of PHI and establishes the procedures by which patients or their authorized representatives may request a restriction on the use of PHI.

Scope

This policy applies to all Winchester Fire & Rescue staff members who handle requests from patients for a restriction on the use of their PHI. All requests will be directed to the HIPAA Compliance Officer/EMS Billing Manager and it shall be the responsibility of the HIPAA Compliance Officer/EMS Billing Manager to handle all requests for restrictions on the use of PHI.

Procedure

Requests for Restriction

1. Winchester Fire & Rescue will permit patients to request restrictions on the use and disclosure of their PHI: (i) to carry out treatment, payment or health care operations and/or (ii) to people involved in their care or for notification purposes.

2. All requests for restriction on the use and disclosure of PHI shall be referred to the HIPAA Compliance Officer/EMS Billing Manager who shall request that the patient or authorized representative complete and submit Winchester Fire & Rescue 's "Patient Request for Restriction of Protected Health Information" Form (Attachment A). All requests will be reviewed and denied or approved by the HIPAA Compliance Officer/EMS Billing Manager in accordance with this policy. The HIPAA Compliance Officer/EMS Billing Manager shall utilize the "Review of Patient Request for Restriction of Protected Health Information"(Attachment B) Form when reviewing restriction requests.
3. The HIPAA Compliance Officer/EMS Billing Manager must verify the patient's identity, or, if the requestor is not the patient, the name and identify of the representative and whether the representative has the authority to act on the patient's behalf. The use of a driver's license, social security card, or other form of government-issued identification is acceptable for this purpose. If it is impossible for the requestor to physically come in to make the request and verify this information, the HIPAA Compliance Officer/EMS Billing Manager shall ask the requestor to verify the patient's name, date of birth, SSN, address, and telephone number over the phone and ask the requestor to submit the "Patient Request for Restriction of Protected Health Information" Form via email, mail or fax.
4. Under most circumstances, Winchester Fire & Rescue is not legally required to agree to any request to restrict the use and disclosure of PHI, and given the emergent nature of our operation, Winchester Fire & Rescue generally will not agree to a restriction unless required by law to do so. However, Winchester Fire & Rescue is required to abide by any restrictions that it agrees to.

Granting a Request for Restriction

1. Winchester Fire & Rescue will and must comply with a requested restriction if: (i) the request concerns the disclosure of PHI to a health plan for purposes of carrying out payment or healthcare operations; and (ii) the request pertains to a service for which Winchester Fire & Rescue has been paid out-of-pocket in full. In other words, Winchester Fire & Rescue must grant patients the right to pay for a service out-of-pocket and abide by a request not to submit a claim to the insurer for that service.
2. If Winchester Fire & Rescue receives a request from a patient or authorized representative asking Winchester Fire & Rescue to refrain from submitting PHI to a health plan and the HIPAA Compliance Officer/EMS Billing Manager determines that Winchester Fire & Rescue has either been paid in full, or that Winchester Fire & Rescue has received reasonable assurances that it will be paid in full for that service, then Winchester Fire & Rescue will grant the request for restriction and not submit a claim to insurance for that service. Patients must make a new request for all subsequent services.

3. If Winchester Fire & Rescue agrees to a requested restriction, the HIPAA Compliance Officer/EMS Billing Manager shall inform the patient of that fact in writing, by sending an "Acceptance of Request for Restriction of Protected Health Information" (Attachment C) letter to the patient. The HIPAA Compliance Officer/EMS Billing Manager shall also note on the "Review of Patient Request for Restriction of Protected Health Information" Form that the request was accepted and document all pertinent information regarding the request and acceptance (date, payment received, etc.).
4. Winchester Fire & Rescue may not use or disclose PHI in violation of the agreed upon restriction. Notwithstanding, if the individual who requested the restriction is in need of an emergency service, and the restricted PHI is needed to provide the emergency service, then Winchester Fire & Rescue may use the restricted PHI or may disclose such PHI to another healthcare provider to provide treatment to the individual.
5. The HIPAA Compliance Officer/EMS Billing Manager shall also inform all other necessary parties at Winchester Fire & Rescue and its business associates, such as its billing company, about the accepted restriction and take all appropriate steps to ensure that those parties abide by the restriction.
6. The HIPAA Compliance Officer/EMS Billing Manager shall add the "Patient Request for Restriction of Protected Health Information" Form, the Acceptance letter and documentation regarding the acceptance of the request to the patients' medical record.

Denying the Request for Restriction

1. Unless Winchester Fire & Rescue is required by law to agree to a request for restriction of PHI, the HIPAA Compliance Officer/EMS Billing Manager shall deny the request in writing, by dispatching a "Denial of Patient Request for Restriction of PHI" (Attachment D) letter to the patient.
2. The HIPAA Compliance Officer shall also note on the "Patient Request for Restriction of Protected Health Information" Form that the request was denied, and document all pertinent information regarding the request and denial (date, reason for denial, etc.).

Termination of Restrictions

1. A restriction may be terminated if the individual agrees to or requests the termination.
2. Oral agreements to terminate restrictions must be documented.

3. Most restrictions may also be terminated by Winchester Fire & Rescue as long as Winchester Fire & Rescue notifies the patient that PHI created or received after the restriction is removed is no longer restricted. PHI that was restricted prior to the notice voiding the restriction must continue to be treated as restricted PHI.
4. Winchester Fire & Rescue should not terminate a restriction regarding PHI that pertains to a service for which Winchester Fire & Rescue has been paid in full and where a patient has requested that such PHI not be disclosed to the patient's health plan. Such restriction will only apply with respect to that service and not to subsequent services. The patient must make another request, and pay out-of-pocket for each service.

Attachment A



Patient Request for
Restriction of PHI.doc

Attachment B



Review of Patient
Request for Restrictio

Attachment C



Patient Request for
Restriction of PHI Acc

Attachment D



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