



08-Restricted Use and Disclosure

Approved by: William Voss

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Renewed By:

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Restricted Use and Disclosure

Policy Statement

Patients have the right to request restricted use and disclosure of their protected health information (PHI) in certain situations.

River City TMS, PLLC will consider all requests for restrictions of use and disclosure of a patient's PHI and will provide a reason for denying any such request.

Patients have a right to request restrictions on the use and disclosure of their PHI in the following circumstances:

- To carry out treatment, payment, or health care operations.
- To the patient's family member, friend, or other persons who might otherwise receive disclosures of PHI about the patient's health care or payment related to the patient's health care.
- To notify a patient's family member, personal representative or others about the patient's location, general condition, or death.
- To limit uses and disclosures when the individual is not present or coherent.
- During disaster relief efforts, to an authorized entity to assist in the notification of a patient's family member, personal representative or other person involved in the patient's care about the patient's location, general condition, or death.

Procedure

- **Patient Request for Restriction** §164.520(b)(1)(iv)(A) and §164.522

River City TMS, PLLC's Notice of Privacy Practices notifies patients of their right to request restrictions on the use and disclosure of PHI and that any such requests must be in writing. Patients will request using the Request for Restricted Use and Disclosure of Protected Health Information ([Appendix F](#)). The Practice Administrator will manage requests for restrictions. All documentation associated with this request will be placed in the patient's

medical record.

- **Organization Response to Request §164.522**

River City TMS, PLLC must accommodate a request for restriction on disclosure if the disclosure (1) is to a health plan for purposes of carrying out payment or health care operations, (2) pertains solely to a health care item or service for which the health care provider involved has been paid out of pocket in full, and (c) is not otherwise required by law.

- If River City TMS, PLLC denies the request for restriction, the Practice Administrator will notify the patient in writing of its denial and reason for denial.
- If River City TMS, PLLC agrees to the requested restriction, the Practice Administrator will notify the patient in writing. River City TMS, PLLC must abide by the accepted restriction with the following exceptions:
 - River City TMS, PLLC may use the restricted PHI or may disclose such information to a health care provider if the patient needs emergency treatment, and the restricted PHI is needed to provide emergency treatment. In this case, River City TMS, PLLC will release the information, but ask the emergency treatment provider not to further use or disclose the patient's PHI.
 - River City TMS, PLLC may disclose the information to the individual who requested the restriction.
 - River City TMS, PLLC may use and disclose the restricted PHI when statutorily required to use and disclose the information under the HIPAA Privacy Rule.
- Written documentation of any granted restriction should be maintained in the patient's medical record and a copy should be provided to all relevant individuals who are or may be responsible for implementing the restriction. River City TMS, PLLC will notify separately any business associates to which the restriction may apply.

- **Termination of the Restriction §164.522(a)(2)**

River City TMS, PLLC may terminate the accepted restriction if the patient agrees to the termination in writing; or the patient agrees to the termination verbally and the verbal agreement is documented. In this case, the Privacy Officer will notify the appropriate individuals and business associates of the termination. The termination of the restriction including patient's agreement will be documented in the patient's medical record. Termination of a restriction with the patient's agreement is effective for all PHI created or received by River City TMS, PLLC.

River City TMS, PLLC may terminate restriction without the patient's agreement if the organization informs the patient that the restriction is being terminated. Such termination is only effective with respect to PHI created or received after River City TMS, PLLC has informed the patient of the termination. River City TMS, PLLC must continue to abide by the restriction with respect to any PHI created or received before it informed the patient of the termination. Any termination and notification thereof will be in writing, confirmed, and included in the patient's medical record.