

WHITING FORENSIC HOSPITAL OPERATIONAL PROCEDURE MANUAL

SECTION II:	ORGANIZATION FOCUSED FUNCTIONS
CHAPTER 9:	Management of Information/HIPAA
PROCEDURE 9.18:	Request for Confidential Communication of Protected Health Information
Governing Body Approval:	April 27, 2018
REVISED:	

PURPOSE: To inform Health Information Management (HIM) staff that patients/personal representatives have the right to receive their requested Protected Health Information (PHI) at alternative locations or by alternative means. HIM staff is required to make reasonable accommodation for the patient in receiving PHI.

SCOPE: All Clinical Staff, HIM and Unit Clerks

POLICY:

It is the policy of Whiting Forensic Hospital (WFH) that the Hospital obtains a patient's written authorization prior to using or disclosing his/her Protected Health Information (PHI) for specified purposes other than treatment, payment or health care operations.

Definitions:

1. ***Individually Identifiable Health Information:*** Information that is a subset of health information, including demographic information collected from an individual, and that: (1) is created or received by a health care provider, health plan, employer, or health care clearinghouse; and (2) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual, and (3) which identifies the individual, or (4) with respect to which there is a reasonable basis to believe that the information can be used to identify the individual. ***Note:*** Individually identifiable health information is to be treated as protected health information.
2. ***Personal Representative:*** A person who has authority under applicable law to make decisions related to health care on behalf of a patient.

3. Protected Health Information (PHI): Individually identifiable information relating to past, present or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present or future payment for health care provided to an individual.

PROCEDURE:

1. HIM honors any reasonable request made by patients/ personal representatives in writing for the patient's protected health information to be provided at alternate locations or by alternate means.
2. HIM ensures that the patient/personal representative submits the request for confidential communication in writing using form WFH-184: Authorization for Use and Disclosure of Protected Health Information.
3. HIM will not require an explanation from the patient or personal representative as to the basis for the request as a condition of providing confidential communication of PHI at alternative locations or by alternative means (i.e., fax number, P.O. Box).
4. If HIM determines that the request is unreasonable, HIM will respond to the patient or personal representative in writing on the HIM Processing form (WFH-270) and inform him/her of his/her right to appeal the denial to the WFH Privacy Officer.
5. If the patient chooses to appeal the denial, he/she completes the Request for Appeal of Denial form (WFH-666) which is sent to the Privacy Officer.
6. The Privacy Officer determines whether or not to uphold the denial and provides a written notice to the patient within 30 days using WFH-666.
7. If the denial is upheld, the patient is informed of his/her right to a further review by the Office of Healthcare Information, using WFH-666, Request for Appeal of Denial.
8. HIM staff files the forms WFH-184, WFH-270, and WFH-666 in the Correspondence section of the medical record.

Illustration/Example

Example: A patient/client sends a request to have his lab results faxed to his place of business, rather than sent to his home address. The hospital determines that this is a reasonable request and therefore faxes the lab results to his place of business.