

TEXAS ASSOCIATION OF COUNTIES HEALTH AND EMPLOYEE BENEFITS POOL HIPAA POLICIES

PARTICIPANT REQUESTS FOR RESTRICTIONS ON THE USE AND/OR DISCLOSURE OF PROTECTED HEALTH INFORMATION

Effective Date: March 17, 2003

POLICY

Participants have the right to request restrictions on how their Protected Health Information ("PHI") is used and/or disclosed when the use or disclosure is for treatment, payment and health care operations, or to communicate with family members and friends.

If HEBP agrees to the restriction, HEBP will not use or disclose protected health information in violation of the restriction unless an emergency situation exists, as discussed below.

The restriction may be terminated either by HEBP or the participant. If HEBP terminates the restriction, such termination is effective only for PHI created or received after the termination date.

PROCEDURE

- Participants are informed of their right to request restrictions on the use and disclosure of their PHI in Texas Association of Counties Health and Employee Benefits Pool's ("HEBP") Notice of Privacy Practices ("Notice").
- All requests by participants for restrictions on the use and disclosure of their PHI must be forwarded to the Privacy Official or designee for approval or declination.
- Workforce members or Business Associates who perform plan functions may not grant or deny a participant's request for restrictions without prior authorization from the Privacy Official or designee.

When a request for restriction(s) is accepted:

- The participant will be informed of any potential consequences of the restriction;

- A notation will be made in the participant's record(s);
- HEBP will not use or disclose PHI contrary to the agreed restriction, nor will its Business Associates;
- The participant will be informed that HEBP is not required to comply with the agreed upon restriction(s) in emergency treatment situations when the restricted PHI is needed for treatment;
- If the agreed upon restriction hampers treatment, HEBP will ask the participant to modify or revoke the restriction and get written agreement to the modification or revocation or document an oral agreement;
- The use and/or disclosure of PHI will be consistent with the status of the restriction in effect on the date it is used or disclosed; and
- Written documentation of the agreed to restriction will be maintained for six (6) years from the date of its creation or the date when it was last in effect, whichever is later.

When a request for restriction(s) is denied by TAC HEBP:

- The participant will be given the opportunity to discuss his or her privacy concerns, if desired; and
- Efforts will be made to assist the participant in modifying the request for restrictions to accommodate his or her concerns and obtain acceptance by HEBP.