

**ADAMH BOARD OF FRANKLIN COUNTY  
HIPAA Privacy Policy H.01.090**

**RIGHTS TO REQUEST PRIVACY PROTECTION FOR PROTECTED HEALTH INFORMATION**

**A. PURPOSE STATEMENT**

The purpose of this policy is to issue instructions related to a consumer's right to request for privacy protection for protected health information.<sup>1</sup>

**B. SCOPE**

This policy applies to all ADAMH workforce members, including Board of Trustees members, employees, volunteers, trainees, and other persons whose conduct, in the performance of work for ADAMH, is under the direct control of ADAMH, regardless of whether they are paid by ADAMH.

**C. POLICY STATEMENT**

1. Right of an individual to request restriction of uses and disclosures
  - a. Request for restriction
    - i. ADAMH must permit an individual to request that ADAMH restrict:
      - (A) Uses and disclosures of protected health information to carry out treatment, payment, or health care operations; and
      - (B) Disclosures requiring an opportunity for the individual to agree or to object.
    - ii. ADAMH is not required to agree to a restriction.
    - iii. If ADAMH agrees to a restriction, ADAMH may not use or disclose protected health information in violation of such restriction, except that, if the individual who requested the restriction is in need of emergency treatment and the restricted protected health information is needed to provide the emergency treatment, ADAMH may use the restricted protected health information or may disclose such information to a health care provider to provide such treatment to the individual.
    - iv. If restricted protected health information is disclosed to a health care provider for emergency treatment, ADAMH must request that such health care provider not further use or disclose the information.
    - v. A restriction agreed upon by ADAMH is not effective to prevent required uses and disclosures outlined in the corresponding section of 45 CFR.
  - b. Terminating a restriction: ADAMH may terminate a restriction, if:
    - i. The individual agrees to or requests the termination in writing;
    - ii. The individual orally agrees to the termination and the oral agreement is documented; or
    - iii. ADAMH informs the individual that it is terminating its agreement to a restriction, except that such termination is:
      - (A) Not effective for protected health information restricted by this section in 45 CFR]; and
      - (B) Only effective with respect to protected health information created or received after ADAMH has so informed the individual.
    - iv. ADAMH must document a restriction in accordance with HIPAA documentation standards [164.530(j) of the corresponding subchapter].

---

<sup>1</sup> CFR Title 45, Section 164.522 Rights to Request Privacy Protection for Protected Health Information

**ADAMH BOARD OF FRANKLIN COUNTY  
HIPAA Privacy Policy H.01.090**

2. Confidential communications
  - a. ADAMH must permit individuals to request and must accommodate reasonable requests by individuals to receive confidential communications of protected health information from ADAMH by alternative means or at alternative locations, if the individual clearly states that the disclosure of all or part of that information could endanger the individual.
  - b. Conditions on providing confidential communications
    - i. ADAMH may require the individual to make a request for confidential communication in writing.
    - ii. ADAMH may condition the provision of a reasonable accommodation on:
      - (A) When appropriate, information as to how payment, if any, will be handled; and
      - (B) Specifications of an alternative address or other method of contact;
    - iii. ADAMH may require that a request contain a statement that disclosure of all or part of the information to which the request pertains could endanger the individual.