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Title: Individual's Right to Request Additional Restrictions		
Regulatory Authority: HIPAA Regulations, FERPA Regulations, ORC, OAC		
Effective Date: 01/19/2021		
Reviewer/Job Title: Director of Operations		

(A)Individual's Right to Request Additional Restrictions
HCBDD supports Individual's right to request restrictions on the use or disclosure of protected health information which may be above and beyond the restrictions in organizational policy

Audience

Privacy Officer, Supervisors

REFERENCES

45 CFR § 164.522(a)

1) **Refer the Request to HCBDD' Privacy Officer or Designee:** All requests will be referred to the HIPAA Privacy Officer, or his/her designee. Upon receiving a request, the Privacy Officer shall consider the following factors, in the decision to grant or deny the request:
   a) Whether the restriction might cause the organization to violate applicable federal or state law;
   b) Whether the restriction might cause the organization to violate professional standards, including medical ethical standards;
   c) Whether HCBDD' systems and organization make it very difficult or impossible to accommodate the restriction;
   d) Whether the restriction might unreasonably impede the organization's ability to serve the Individual;
   e) Whether the restriction appears to be in the best interests of the Individual.
2) **Decision Whether UCBDD will agree**: The HCBDD is not obligated to agree to any requests for restriction, except in the unlikely event that the request is not to bill the Medicaid program or other 3rd party payer and that the individual receiving services agrees to pay for the service themselves.
3) **Notify the Individual:** HCBDD will notify the Individual of its final decision (whether approving or denying the request) in writing. The notice will be maintained in the Main Individual Record.
   a) Granting the Request: If HCBDD agrees to the restriction, the notice to the Individual will clearly state what restriction HCBDD is agreeing to in language the Individual will understand. This notice will state that the restriction will not apply if the information is needed for emergency treatment.
   b) Denying the Request: If the request is denied, the notice will clearly state why the request cannot be complied with, in language the Individual will understand.

4) **Take Appropriate Action to Implement Restrictions:** If HCBDD agrees to the requested restriction, the Privacy Officer/designee will be responsible for taking appropriate action to implement the restriction.
5) **Modifying or Terminating a Restriction:** An Individual may request a restriction to be eliminated at any time. If HCBDD desires a modification, consult legal counsel regarding appropriate procedures.
6) **Documentation:** The Privacy Officer is responsible for maintaining the following documents, to assure that additional privacy protections are handled properly, and assure they are maintained for six years from the date of their creation:
   a) Copies of Individual requests for restrictions.
   b) Copies of any notice informing the Individual about HCBDD' decision to grant or deny a restriction.
   c) Copies of any written Individual request to terminate a restriction, or alternatively, copies of any documentation in the Individual's record that the individual made such request orally.