

# LOS ANGELES GENERAL MEDICAL CENTER POLICY

Subject: <b>PROTECTED HEALTH INFORMATION: RIGHT TO REQUEST CONFIDENTIAL COMMUNICATIONS OF</b>		Original Issue Date: 4/14/03	Policy # <b>203.4</b>
		Supersedes: 12/10/13	Effective Date: 12/13/23
Policy Owner(s): Health Information Director Senior Executive Sponsor(s): Chief Operations Officer			
Departments Consulted: Support Services Privacy Council Nursing Services Patient Financial Services Patient Experience Health Information Management Clinical Social Services Patient Access Center	Reviewed & approved by: Attending Staff Association Executive Committee Senior Executive Officer	Approved by:  Chief Operations Officer   Chief Executive Officer	

## PURPOSE

To establish a policy pursuant to the HIPAA Privacy Rule to ensure that patients can receive communications regarding their respective protected health information through an alternative means or to an alternative location in order to preserve the confidentiality of the communications.

## POLICY

Los Angeles General Medical Center shall provide individuals with an opportunity to request that they receive protected health information (PHI) in a confidential communication. The Medical Center shall accommodate reasonable requests by patients to receive confidential communications of their respective PHI.

## DEFINITION

**Confidential Communications** A communication between an individual and the Medical Center that includes PHI and is sent through alternative means or to an alternative location from the regular or routine method of communication.

## PROCEDURE

- A. The Medical Center requires that patients make a written request for confidential communications by completing and submitting the *Patient's Request For Confidential Communications* form.
- B. The Medical Center will not require an explanation from the patient concerning the basis for the request as a condition of providing confidential communications.
- C. The Medical Center may condition the granting of a request for confidential communications on the individuals providing the following:
  1. In appropriate situations, the Medical Center may require the individual to provide information as to how payment, if any, will be handled;

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	Chief Executive Officer's Initials:	

2. The Medical Center may require the individual to specify an alternative address or an alternative method of contacting the individual.
- D. The Medical Center is responsible for determining, on a case-by-case basis, if an individual's request for a confidential communication is reasonable.
- E. If the *Patient's Request For Confidential Communications* is approved, the Medical Center shall, whenever communicating with the individual in a way that includes the individual's PHI, communicate in the manner and/or the location specified in the written request. The Medical Center shall ensure that all appropriate workforce members are notified of the alternative means of communicating the information and are in compliance with the confidential communications request.
- F. The *Patient's Request For Confidential Communications* form shall be filed in the patient's health/medical record and retained in accordance with DHS Policy No. 881, "Retention of Medical Records and X-Ray Films." At the patient's request, the Medical Center shall give the patient a copy of the signed request form.
- G. If the request is denied, the Medical Center HIPAA Compliance Officer shall document such decision by completing a *Letter Of Denial Regarding Patient's Request For Confidential Communications*, which sets forth the basis for the Medical Center's decision to deny the request. A copy of the letter will be included in the patient's medical record for future reference.
- H. The Medical Center shall document compliance and shall maintain the policy by retaining copies of the policy and its associated forms for a period of at least six (6) years from the date of its creation or the date when it last was in effect, whichever is later.

### **REFERENCE**

45 Code of Federal Regulations § 164.512(a)

DHS Policy No. 881, "Retention of Medical Records and X-Ray Films"

DHS Policy No. 361.6, "Right To Request Confidential Communications Of Protected Health Information"

### **ATTACHMENTS**

Attachment A: DHS "Patient's Request For Confidential Communications" form

Attachment B: Sample Letter, "Letter Of Denial Regarding Patient's Request For Confidential Communications"

### **REVISION DATES**

April 10, 2007; December 10, 2013; December 13, 2023