



**Los Angeles County Department of Health Services**

<b>Policy &amp; Procedure Title:</b>		Right to Request Confidential Communications of Protected Health Information (PHI)	
<b>Category:</b>	300-399 Operation Policy	<b>Policy No.:</b>	361.6
<b>Originally Issued:</b>	4/14/2003	<b>Update (U)/Revision (R):</b>	10/08/2014 (U)
<b>DHS Division/Unit of Origin:</b>		Audit & Compliance	
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<b>Distribution: DHS-wide</b> <input checked="" type="checkbox"/>		<b>If not DHS-wide, other distribution:</b>	

**PURPOSE:**

The purpose of this policy and procedure is to ensure that patients can receive communications regarding their Protected Health Information through an alternative means or at an alternative location in order to preserve the confidentiality of the communications, pursuant to the HIPAA Privacy Rule.

**DEFINITION(S):**

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

**Individual** as used in this policy includes patient as well as designated legal representative.

**POLICY:**

DHS will provide individuals with an opportunity to request to receive Protected Health Information (PHI) in a Confidential Communication. DHS will accommodate reasonable requests by patients to receive Confidential Communications of Protected Health Information.

**PROCEDURES:**

- I. DHS requires patients to request Confidential Communications in writing by completing and submitting the ***Patient's Request for Confidential Communications***.

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*The mission of the Los Angeles County Department of Health Services is to ensure access to high-quality, patient-centered, cost-effective health care to Los Angeles County residents through direct services at DHS facilities and through collaboration with community and university partners.*

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- II. DHS will not require an explanation from the patient concerning the basis for the request as a condition of providing Confidential Communications.
- III. DHS may condition the granting of a request for Confidential Communications based on the following:
  - A. In appropriate situations, DHS may require the individual to provide information as to how payment, if any, will be handled;
  - B. DHS may require the individual to specify an alternative address or an alternate method of contacting the individual.
- IV. DHS is responsible for determining, on a case-by-case basis, whether an individual's request for a Confidential Communication is reasonable.
- V. If the **Patient's Request for Confidential Communications** is approved, DHS shall, whenever communicating with the individual in a way that includes the individual's Protected Health Information, communicate in the manner and/or the location specified in the Request Form. DHS shall ensure that all appropriate Workforce Members are notified of the alternate means of communicating the information and are in compliance with Confidential Communications request.
- VI. The **Patient's Request for Confidential Communications** form will be filed in the patient's medical record and retained in accordance with DHS Policy No. 881, "Retention of Medical Records and X-Ray Films." At the patient's request, DHS will give the patient a copy of the signed request form.
- VII. If the request is denied, the facility Privacy Coordinator or designee will document such decision by completing a **Letter of Denial Regarding Patient's Request for Confidential Communications** which sets forth the basis for the decision to deny the request. A copy of the letter will be included in the patient's medical record for future reference.
- VIII. DHS will document compliance and maintain the policy/procedure by retaining copies of the policy/procedure, and its appropriate forms, for a period of at least six years from the date of its creation or the date when it last was in effect, whichever is later.

#### ATTACHMENTS/FORMS:

Forms referenced in this policy may be through the DHS Sharepoint intranet website, under Forms.

- Patient's Request for Confidential Communications
- Letter of Denial Regarding Patient's Request for Confidential Communications

**REFERENCES/AUTHORITY:**

45 Code of Federal Regulations: 164.522(a)

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