


**COUNTY OF IMPERIAL  
DEPARTMENT OF BEHAVIORAL HEALTH SERVICES**

**POLICY AND PROCEDURE MANUAL**

<b>SUBJECT:</b> Requests to Receive Confidential Communications by Alternative Means or at Alternative Locations	<b>POLICY:</b> 01-73
<b>SECTION:</b> Administration	<b>EFFECTIVE DATE:</b> 4-14-03
<b>REFERENCE:</b> 45 C.F.R. Section 164.522 (b)	<b>PAGE:</b> 1 of 4
<b>AUTHORITY:</b> 45 C.F.R Part 164	<b>SUPERSEDES:</b> New Policy
	<b>APPROVED BY:</b> 

**PURPOSE:** To establish a policy regarding the right of an individual to request restriction on the manner and method of communication.

**SCOPE:** The information in this document applies to all members of the workforce which includes employees, contract employees, volunteers, trainees, etc., granted access to protected health information (PHI).

**NOTES:** HIPAA provides individuals with new right regarding how their health information is maintained and communicated. These patient rights provisions are mandatory and Mental Health and Alcohol and Drug programs as covered entities under HIPAA must, for example, accommodate reasonable requests by individuals to receive confidential communications of PHI by alternative means or at alternative locations. [45 C.F.R. Sections 164.522(b) (1)]. For example, an individual who does not want family members to know about his or her treatment may request that ICBHS communicate with him or her at their workplace, by mail at a designated address, or by phone to a designated phone number. Or, an individual may request that the provider send communication by fax or in a closed envelope rather than a post card.

The reasonableness of a request is based on the administrative difficulty of complying with the request. A request may not be denied simply because ICBHS does not believe that the alternative communication is necessary. A modest additional cost to ICBHS is not considered to be unreasonable.

**DEFINITIONS:** Alternative Communication: A communication from a provider to a patient by an alternative means or at an alternative location. Examples may include using an alternative mailing address or phone number; or using an alternative communications vehicle (phone, fax, or email) rather than the provider's standard method of communication.

HIPAA: Health Insurance Portability and Accountability Act. The federal law passed in 1996 that provides national standards for health information

Individual: Under HIPAA, individual means the person who is the subject of protected health information (PHI).

Protected Health Information (PHI): Individually identifiable information relating to past, present, or future physical or mental health condition of an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual transmitted or maintained in any form or medium including oral, written, or electronic communication.

Workforce: Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the department, is under the direct control of the department, whether or not they are paid by the department.

**POLICY:** Imperial County Behavioral Health Services (ICBHS) must permit individuals to request and must accommodate reasonable requests by individuals to receive communications of protected health information (PHI) from ICBHS by alternative means or at alternative locations. [45 C.F.R. 164.522(b)].

A provider may not require an explanation for the reason of the request. Health plans, however, may require that an individual state that disclosure of confidential information could endanger the individual.

Requests by individuals to receive communications of PHI from ICBHS by alternative means or at alternative locations must be submitted in writing on a Request to Receive Confidential Communications by Alternative Means or at Alternative Locations form.

Individuals will be informed in writing whether his or her

request has been accepted or denied, and if approved, that all future communications initiated by ICBHS will be made in this manner. The program supervisor will inform appropriate staff of the alternative communication requirements.

An alternative communication request that is implemented will remain in place until it is revoked by the individual or until such time as ICBHS determines that it no longer meets the administrative reasonableness criteria. Revocation or denial of an implemented request will be communicated to the individual and documented in the medical record.

**Conditions on Requests for Alternative Means or Locations of Confidential Communication:**

The provision of a reasonable accommodation will be conditioned upon provision of the following:

1. Information on how payment, if any, will be handled.
2. An alternative address or other method of contact.

**Denial of Requests For Alternative Means or Locations of Confidential Communications:**

ICBHS may deny a request to receive confidential communications by alternative means or at an alternative locations if, for example:

1. The request fails to provide sufficient information related to how payment would be handled;
2. The request fails to provide an alternative address or means of contact;
3. The administrative difficulty of complying with the request was deemed unreasonable.

Upon notification that the request has been denied, an individual may modify his or her request for alternative communications to make it reasonable, continue treatment with ICBHS with the understanding that the requested communications will not be honored, or make a decision to seek treatment elsewhere.

**Documentation**

Under HIPAA, ICBHS must document and retain any correspondences or forms regarding the written request

for alternative confidential communications, including but not limited to, the alternative communications request form, and the ICBHS response to the request for at least six years per section 164.530(j), or such longer period that may be required under federal or state law.

It is ICBHS' records retention policy that all records be kept a minimum of seven (7) years from the date of discharge, except for minors, whose records shall be kept at least one (1) year after the minor has reached the age of eighteen (18), but in no case less than seven (7) years.

Enforcement

Management and supervisors are responsible for enforcing this policy and associated procedure(s). Members of the workforce who violate this policy or associated policies or procedures are subject to disciplinary actions appropriate to the nature of the violation in accordance with the ICBHS sanction policy.