

**THE UNIVERSITY OF TEXAS SYSTEM ADMINISTRATION
HIPAA PRIVACY MANUAL**

Section 7.6: Requests for Confidential Communications	Page: 1 of 2
Effective Date: September 23, 2013	

POLICY

An individual shall have the right to designate a specific means and a specific location, if reasonable, for System's communications of PHI to the Individual.

7.6(1) Individual's Right to Request Confidential Communications.

An Individual or, in accordance with Section 4.12 of this Manual, an Individual's Personal Representative, shall have the right to request in writing that System communicate PHI to that Individual by a specified means and/or to a specified location. Such request may cover all PHI or, if specifically identified, only a class of PHI (e.g., PHI relating to a certain disease). A form is available for provides the information System requires to consider such a requests. A copy of the form is included in the Appendix to this Manual.

7.6(2) System's Consideration of a Request for Confidential Communications.

- a. The Privacy Officer shall be responsible for receiving and processing an Individual's written request for confidential communications. The Privacy Officer shall have ultimate authority regarding the disposition of such requests. Upon receipt by the Privacy Officer of an individual's request for confidential communications on the appropriate form, System shall suspend any communications of the individual's PHI that are subject to the request.
- b. System may deny an individual's request for confidential communications only for one or more of the following reasons:
 - i. the Individual's request is not in writing;
 - ii. the Individual's request does not specify a specific alternative method (e.g., an existing e-mail address or fax number) or alternative location (e.g., an existing business address or post office box) for Disclosure of PHI to the Individual ;
 - iii. if compliance with the Individual's request affects Payment, the Individual's request does not inform System how Payment shall be handled; or

- iv. the Privacy Officer determines that the administrative difficulty that would result from granting the Individual's request would be unreasonable and would result in a more than modest additional cost.

7.6(3) Granting A Request.

If System grants an Individual's request, System shall notify the Individual through the alternative means specified for communications of PHI. Upon granting an Individual's request for confidential communications, System shall conduct all communications of the Individual's PHI to the individual in accordance with the alternative means specified. A communication that contains both unrestricted PHI and restricted PHI shall be divided, with the restricted portion being sent in accordance with the granted request. The granted request shall be filed with the individual's Designated Record Set in accordance with Section 9.2 of this Manual.

7.6(4) Denying a Request.

- a. If System denies an Individual's request for confidential communications, System shall notify the Individual of such denial. Such notification shall be given in accordance with the alternative means specified in the request unless (i) the request does not specify an alternative means or location or (ii) a reason for the request's denial is unreasonable administrative difficulty and notifying the Individual of such denial in the manner requested would, considered alone, result in an unreasonable additional cost. If the notification of denial is not sent in accordance with the specified alternative means and/or location, such notification shall be given directly to the Individual (e.g., in person or by phone) or, if direct communication fails or is not feasible, shall be in writing, shall be addressed to the Individual, and shall identify neither the affected PHI nor any specified alternative means and/or location.
- b. A notification of denial shall set forth the reasons for denial and shall include a blank form Request for Confidential Communications of Medical Information.

7.6(5) Documentation of Requests for Confidential Communications.

System shall document (i) all requests for confidential communications; (ii) the Plan's notifications of granted or denied request; and (iii) the method of delivery of such notifications. Such documentation shall be retained in accordance with Section 9.2 of this Manual.

REFERENCES/CITATIONS

45 C.F.R. §§ 164.502(h), 164.522(b)

65 Fed. Reg. at 82,501, 53-54, 82,729-31 (Dec. 28, 2000)