

RESIDENT'S RIGHT TO REQUEST RESTRICTIONS ON THE USE AND DISCLOSURE OF THEIR PROTECTED HEALTH INFORMATION

POLICY

Lasata Senior Living Campus shall permit residents to make requests to restrict the use and disclosure of their protected health information to carry out treatment, payment or health care operations, for involvement of others in the resident's care and to notify others of the resident's condition.

Upon request by a resident, Lasata Senior Living Campus must restrict the use and disclosure of protected health information to a health plan for the above purposes only when:

1. The disclosure of protected health information is for the purpose of carrying out payment or health care operations and is not otherwise required by law; or
2. The protected health information pertains solely to a health care item or service for which the resident, or person other than the health plan on behalf of the resident, has paid the covered entity in full.

If Lasata Senior Living Campus is in agreement with a restriction requested, they will not use or disclose protected health information in violation of the restriction, except that, if the resident who requested the restriction is in need of emergency treatment and the restricted protected health information is needed to provide the emergency treatment, Lasata Senior Living Campus may use the restricted protected health information, or may disclose such information to a health care provider, to provide such treatment to the resident.

If Lasata Senior Living Campus discloses protected health information, that they agreed not to disclose, to a health care provider for emergency treatment, Lasata Senior Living Campus will request that such health care provider not further use or disclose the information.

An agreement by Lasata Senior Living Campus to restrict uses and disclosure of protected health information is not effective to prevent the following uses and disclosures of protected health information:

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- When the Secretary of the Department of Health and Human Services requires the protected health information to investigate Lasata Senior Living Campus' compliance with HIPAA.
- For the Lasata Senior Living Campus' Facility Directory.
- When an authorization or opportunity to agree or object to the use or disclosure of protected health information is not required as follows: 1) those required by law, 2) for public health activities, 3) regarding victims of abuse, neglect or domestic violence, 4) health oversight activities, 5) for judicial and administrative proceedings, 6) for law enforcement purposes, 7) regarding decedents, 8) for cadaveric organ, eye or tissue donation purposes, 9) research purposes, 10) to avert a serious threat to health or safety, 11) for specialized government functions, and 12) workers' compensation.

PROCEDURE

INSTRUCTIONS FOR REQUESTS FOR RESTRICTIONS ON THE USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION AND REQUESTS TO TERMINATE RESTRICTIONS

- The Lasata Senior Living Campus' Notice of Privacy shall advise residents of their right to request restrictions on certain uses and disclosures of their protected health information, including a statement that Lasata Senior Living Campus is not required to agree to a requested restriction, except when the use or disclosure is to a health plan, and:
 1. The disclosure of protected health information is for the purpose of carrying out payment or health care operations and is not otherwise required by law; or
 2. The protected health information pertains solely to a health care item or service for which the resident, or person other than the health plan on behalf of the resident, has paid the covered entity in full.
- A request by a resident to restrict the use and disclosure of protected health information shall be in writing. The form titled **REQUEST FOR RESTRICTIONS ON THE USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION** is available to residents for this purpose at Lasata Senior Living Campus' Reception Desk

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and online at www.lasatacampus.com. If the request is made orally, a staff member shall document the request on the REQUEST FOR RESTRICTIONS ON THE USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION and have the resident sign it.

- A request for Restrictions on the Use and Disclosure of Protected Health Information shall be mailed or delivered to Medical Records Office, Lasata Senior Living Campus, W76 N677 Wauwatosa Rd, Cedarburg, WI 53012.

INSTRUCTIONS FOR PROCESSING REQUESTS FOR RESTRICTIONS ON THE USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION

- Upon receipt of a Request for Restrictions on the Use and Disclosure of Protected Health Information, the request shall be date stamped and submitted to the Medical Records Office for processing.
- The Medical Records Office will make the determination to agree or deny the restriction in accordance with this policy.
- Lasata Senior Living Campus will notify the resident of the approval or denial of the Request for Restrictions on the Use and Disclosure of Protected Health Information in writing.
- If the request is granted, Lasata Senior Living Campus will include in the notice of acceptance the following statement:

Lasata Senior Living Campus will use or disclose your restricted protected health information to a health care provider providing treatment in an emergency treatment situation and will advise the health care provider not to further use or disclose the information.

Lasata Senior Living Campus will also use or disclose your restricted protected health information in situations where an authorization or opportunity to agree or object to the use or disclosure of protected health information is not required, as follows:

- 1) those required by law, 2) for public health activities, 3) regarding victims of abuse, neglect or domestic violence, 4) health oversight activities, 5) for judicial and administrative

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proceedings, 6) for law enforcement purposes, 7) regarding decedents, 8) for cadaveric organ, eye or tissue donation purposes, 9) research purposes, 10) to avert a serious threat to health or safety, 11) for specialized government functions, and 12) workers' compensation.

- Lasata Senior Living Campus will terminate a restriction upon the written request of the resident or with the resident's oral agreement to the termination if the oral agreement is documented by the Medical Records Office in the resident's records.
- Lasata Senior Living Campus may terminate a restriction by informing the resident in writing that it is terminating its agreement to a restriction. In the event Lasata Senior Living Campus terminates a restriction, the written notice shall include the following statement:

Lasata Senior Living Campus may use and disclose previously restricted protected health information that it is not required to restrict upon your request and which has been created or received after this notification of termination is provided to you.

- Lasata Senior Living Campus will maintain documentation related to Requests for Restrictions on Uses and Disclosures of Protected Health Information for a minimum of six years or for the period the documentation is in effect, whichever is longer.