

(was Administrative Policy 9-09-080)

Chapter: **DIRECTLY-OPERATED PROGRAM MANAGEMENT**
Title: **INDIVIDUAL'S RIGHT TO CONFIDENTIAL COMMUNICATIONS**

Prior Approval Date: N/A
Current Approval Date: 12/6/07

Approved by: Donald S. Halburk Date: 12/6/07
Executive Director

I. ABSTRACT

This policy establishes the standards and procedures of the Macomb County Community Mental Health Board (MCCMH) for compliance with the Privacy Rules of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) by establishing the conditions under which it will accommodate a consumer's request for confidential communications.

II. APPLICATION

This policy shall apply to the MCCMH administrative offices and to all directly-operated network providers of the MCCMH Board.

III. POLICY

It is the policy of the MCCMH Board to carefully consider each consumer's request for confidential communications and grant reasonable requests pursuant to the Health Insurance Portability and Accessibility Act of 1996 (HIPAA).

IV. DEFINITIONS

A. None.

V. STANDARDS

- A. The consumer's right to confidential communications shall be explained in the MCCMH Privacy Notice.
- B. The requesting consumer need not explain why he/she wishes to have MCCMH communicate by alternative means or at alternative locations.
- C. The reasonableness of the request shall be judged by the administrative difficulty of complying with the request.
- D. Approval for a confidential communication may only be given if the consumer has provided MCCMH with complete information to enable communication - i.e., a complete address or other method of contact and makes adequate arrangements for services to be billed.
- E. Staff who do not have access to information indicating that consumers have been approved to receive confidential communications shall **not** be responsible for contact to consumers.

VI. PROCEDURES

- A. Staff shall ask consumers at the time of their initial visits or each separate episode of care if they wish to exercise their right to confidential communication. Staff shall ask consumers (this list is not exclusive):
 - 1. Do you want MCCMH to use confidential communications?
 - 2. Is an alternative address to be used for communication?
 - 3. Can postcards or letters which identify MCCMH be sent to the alternative address?
 - 4. If the address is not restricted can postcards or letters that identify MCCMH be sent there?
 - 5. Is an alternative phone number to be used for communication?
 - 6. Are there times of the day in which we should not call you? List the times.
 - 7. Can we leave a message? Can the message list the name of MCCMH?
 - 8. Can we leave a blind message with a phone number only?
- B. Staff shall document the request for alternative communication and the approval on the

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- intake form or equivalent electronic field and note the request for alternative communication with a flag on the paper clinical record.
- C. Staff shall individually review each consumer request for confidential communications.
1. Staff shall ensure that the requested restriction does not limit MCCMH's ability to:
 - a. Contact the consumer.
 - b. Appropriately bill for services provided to the consumer.
 2. When restricted contact by mail is requested, staff shall determine whether, based on the restricted information provided by the consumer, there is sufficient information to contact the consumer (i.e. complete address, including apartment number, P.O. Box, as applicable).
 3. When restricted contact by phone is requested, staff shall ensure that, based on the restricted information provided by the consumer, there is sufficient information to contact the consumer (i.e. complete phone number, including area code).
 4. In all cases staff shall clarify, with the consumer, and document in the clinical record the consumer expectations regarding restricted communications.
- D. If confidential communications have been approved, staff shall flag:
1. The outside of the consumer's paper clinical record with a sticker that states "CONFIDENTIAL COMMUNICATIONS."
 2. The consumer's electronic record with a field that indicates that the consumer has requested confidential communications; and
 3. Any other consumer database on the consumer contact screen and other appropriate screens.
- E. Prior to contacting a consumer, all staff shall should check to see if a flag exists under any of the categories in VI.D. above.
- F. For circumstances when a request for confidential communications is denied staff shall:

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1. Explain to the consumer the reason(s) for denial of the request for confidential communications.
2. Document in the clinical record the request for confidential communications and the reason for denial.

VII. REFERENCES / LEGAL AUTHORITY

- A. Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191
- B. 45 CFR § 164.522

VIII. EXHIBITS

- A. None.