

# Report on Medicare Compliance Volume 28, Number 33. September 23, 2019

## Tip Sheet: Understanding the Patient's Right to Restrict Disclosures to Health Plans Under HIPAA

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Stormont Vail Health in Topeka, Kansas, developed this tip sheet to help employees and patients understand the parameters of the right to restrict disclosures to insurance companies under HIPAA (“HIPAA Restriction on Health Plan Disclosure, May Be Misunderstood,” RMC 28, no. 33). It often is misunderstood. Contact HIPAA Privacy Officer Barbara Duncan at [bduncan@stormontvail.org](mailto:bduncan@stormontvail.org).

### Tip Sheet: Integrity & Compliance

#### Restriction Requests

As a patient, you may request Stormont Vail Health to restrict the disclosure of your protected health information (medical records) to a health plan if:

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

See 45 C.F.R. § 164.522.

What does this mean for you, the patient?

If you are requesting that Stormont Vail Health not bill your insurance for services we are providing, payment must be paid in full at the time of service. If we are unable to provide the total amount, an estimate will be provided for payment, which must be received at the time of service. If a balance is still owed, you will be billed and must pay the difference within 30 days. If not, Stormont Vail Health has the option to bill your insurance after the 30-day time period.

If you have requested and been granted a restriction, you are responsible for notifying any additional providers that you are requesting a restriction. If they are not a Stormont Vail Health provider, you will need to follow their processes to request a restriction. Additional providers may include: radiologists, pathologists, anesthesiologists, rehabilitation services, pharmacy, etc.

If you have requested and been granted a restriction and due to nonpayment your claim is subsequently sent to your insurance company beyond the precertification time window to establish coverage or rate, you will be responsible for any penalty that your insurance company administers.

What should you do if you have insurance coverage for an accident or personal injury and do not want the insurance billed?

This is not a Restriction Request as defined by the HIPAA rules and regulations. Your options are to provide the insurance name, address and billing information of the paying party prior to services so that we may bill them

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directly or pay for services in full.

If you have questions or concerns, please contact Stormont Vail Health Integrity and Compliance Department.

## **Stormont Vail Health Mission**

Working together to improve the health of our Community.

## **Our Commitment**

The importance of our pride is to be fair and have honest dealings with the public, including patients, private and governmental payers, and vendors, all of whom are important to our success.

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