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## North Sound Behavioral Health Administrative Services Organization, LLC

Section 2500 – Privacy: Right to Alternative Communication

Authorizing Source: 45 CFR 164.522 (HIPAA); 42 CFR Part 2 (Part 2); RCW 70.02

Approved by: Executive Director Date: 08/11/2020 Signature:

### POLICY # 2517.00

#### SUBJECT: RIGHT TO ALTERNATIVE COMMUNICATION

#### PURPOSE

In compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Part 2, Washington Law and any applicable Business Associate Agreements (BAAs), this policy sets out the process to provide and protect an Individual's right to request confidential communications by alternative means or to alternative locations. North Sound Behavioral Health Administrative Services Organization (North Sound BH-ASO) has both direct obligations as Required by Law, as a former Covered Entity, and contractual obligations, as a Business Associate of an Upstream Covered Entity, to permit these alternative communications.

Capitalized terms have specific meanings. Definitions in this policy include Authorized Representative, Business Associate, Business Associate Agreement (BAA), Individual, Pre-Transition PHI, Protected Health Information (PHI), Subcontractor Business Associate and Upstream Covered Entity. See Policy 2502.00: Definitions for Policies Governing PHI.

#### POLICY

North Sound BH-ASO will permit, consider and accommodate a reasonable request by an Individual, the Individual's Authorized Representative or an Upstream Covered Entity (the Requestor) for communications by alternative means or to alternative locations.

#### PROCEDURE

1. **Alternative Communication Obligations.**

1.1 **As a Business Associate.** To the extent that North Sound BH-ASO is acting as a Business Associate of an Upstream Covered Entity, North Sound BH-ASO will provide alternate communications to Individuals in accordance with the applicable BAA.

1.2 **As a Former Covered Entity.** With respect to Pre-Transition PHI, North Sound BH-ASO will provide alternative communications as required of a Covered Entity under HIPAA and other laws.

2. **Requests.** North Sound BH-ASO requires requests for alternative communications to be in writing. North Sound BH-ASO will accept other written requests that meet the requirements of this policy. Workforce will provide the Requestor with assistance in completing the request, as needed.

3. **Receiving Requests.** Requests for alternative communications will be promptly forwarded to the Privacy Officer. The Privacy Officer is responsible for making the following determinations and managing communications.

4. **Verification of Identity and Authority.** The Privacy Officer will verify the identity of the Requestor as an Individual, an Authorized Representative, or an Upstream Covered Entity. See Policy 2524.00: Verification of Identity and Authority.
5. **Explanations.** North Sound BH-ASO may require that a request contain a statement that Disclosure of all or part of the PHI could endanger the Individual. North Sound BH-ASO also may accommodate other reasonable requests. North Sound BH-ASO will note that a covered Health Care Provider may not ask the Individual or Authorized Representative to explain why the Individual or Authorized Representative wishes alternative communications.
6. **Determinations.** North Sound BH-ASO will grant reasonable requests. Reasonableness will be judged by the administrative difficulty of complying with the request. Reasonable requests include, for example, leaving a voice message about an appointment on an Individual's cell phone voicemail rather than home voicemail.
7. **Conditions of Acceptance.** Reasonable accommodation of the request may be conditioned upon:
  - 7.1 **Payment Arrangements.** When appropriate, information as to how payment, if any, will be handled.
  - 7.2 **Method of Communication.** Specification by the Requestor of an alternative address or other method of communication.
8. **Informing Workforce and Subcontractor Business Associate.** The Privacy Officer will provide adequate notice of the granting of the request to those Workforce members and Subcontractor Business Associate who may need to contact the Individual by flagging the record and, where possible, other client databases.
9. **Documentation.** The Privacy Officer will document all requests, and documentation of all requests will be maintained for at least six (6) years from the date that the request was last in effect. Documentation retention requirements include:
  - 9.1 **Policies and procedures for alternative communications of PHI.**
  - 9.2 **Other policies and procedures to review that are related to this policy.**
  - 9.3 **The request for alternative communications, as well as any documentation related to the granting or denying of the request.**
  - 9.4 **Documentation policy.**
10. **Related Policies.** Other policies and procedures to review that are related to this policy:
  - 10.1 **Policy 2501.00: Privacy and Confidentiality.**
  - 10.2 **Policy 2502.00: Definitions for Policies Governing PHI.**
  10. **Policy 2524.00: Verification of Identity and Authority.**

## ATTACHMENTS

None