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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: 3/11/2025 Signature:

POLICY # 2517.00

SUBJECT: RIGHT TO ALTERNATIVE COMMUNICATION

PURPOSE

In compliance with HIPAA, Part 2, State Law and any applicable Business Associate Agreements (BAAs) and Qualified Service Organization Agreement (QSOAs) with Upstream Covered Entities, 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 Protected Health Information (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 (each, a Requestor) for communications by alternative means or to alternative locations.

PROCEDURES

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 or Authorized Representatives 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 by Law for 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 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 determinations and managing communications concerning requests for alternative communications.
4. **Verification of Identity and Authority.** The Privacy Officer will verify the identity of the Requestor as an Individual, an Individual's Authorized Representative or an Upstream Covered Entity. See Policy 2524.00: Verification of Identity and Authority.
5. **Explanations.** For Pre-Transition PHI, 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.** As a Business Associate, North Sound BH-ASO will grant reasonable requests and will grant requests in accordance with the BAA. 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. In the event that a Requestor requests communications through a method could result in being intercepted by an unauthorized Person, such as requesting communications through unencrypted email, the Privacy Officer will inform the Requestor of the associated risks and will let the Requestor decide whether to continue with the requested alternative communications.
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 Associates 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 of its creation or the date when it was last in effect, whichever is later. 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 for Protected Health Information (PHI).**

- 10.2 **Policy 2502.00: Definitions for Policies Governing Protected Health Information (PHI).**
- 10.3 **Policy 2524.00: Verification of Identity and Authority.**

ATTACHMENTS

None