



*Issuing Department:* Internal Audit, Compliance, and Enterprise Risk Management

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## **Restricting Disclosures to a Health Plan**

### **Policy**

Patients have the right to request a restriction on certain Disclosures of Protected Health Information (“PHI”) to their Health Plan (i.e., insurer). NYU Langone Health is required to agree to this type of restriction when a patient requests such a restriction and pays for the health care item or service in full and out-of-pocket (i.e., not by their insurer). NYU Langone Health will not violate the restriction, except to the extent that such a Use or Disclosure is required by law or the restriction has been properly terminated.

For a restriction to be considered properly terminated, one of the following must take place:

- the patient revoked the restriction, in writing, or
- the patient defaulted on the payment(s) for services covered by the restriction.

By requesting this type of Disclosure restriction to a Health Plan, the patient understands that:

- all estimated costs must be paid based on the standard self-pay discounted rate on the date of service,
- the final bill must be paid in full when received or a payment plan in place in coordination with Financial Counseling,
- they are not eligible for financial assistance beyond a payment plan as described here,
- only those records relating to the fully paid out-of-pocket services will be kept from the Health Plan, and
- they will not submit any bills for the included services to the Health Plan.

If a patient defaults (i.e., fails to pay) on payment(s), NYU Langone Health has the right to bill and Disclose the information necessary to obtain Payment from the Health Plan, after reasonable efforts have been made to collect payment. The patient will be responsible for payment of the full amount due for all services not covered by the Health Plan, including those not covered because pre-authorization was not obtained prior to the service or the timeline for submission to the Health Plan has lapsed due to NYU Langone Health providing the patient opportunity to submit payment.

The patient is responsible for alerting or requesting restrictions with all other providers not listed on the form.

Applicable departmental personnel will be trained on the procedures for properly flagging the encounters in the electronic medical record and handling disclosure restrictions to Health Plans.

## **Procedure**

1. All patient requests for this restriction must be made in writing by completing the *Patient Request to Restrict Disclosures of Protected Health Information to an Insurer* form. This form should be thoroughly discussed and submitted to Patient Registration or Admitting (or the appropriate practice manager for outpatient visits).
2. Ensure that the health care item or service is flagged in the electronic medical record (i.e., in Epic) by indicating the payor type “Non-Payor/Non-Disclosure Plan”. Any record with this payor type should not be Disclosed to the Health Plan.
3. Payment in full or the estimated payment must be made on the date of service, except in emergency situations when payment must be made with submission of the *Patient Request to Restrict Disclosures of Protected Health Information to an Insurer* Form prior to the submission of request for payment to the Health Plan.
4. Scan the completed form into the patient’s medical record.

## **Related Documents**

HIPAA Privacy Policies, Procedures, and Documentation

HIPAA Privacy Policies and Procedures Definitions

Patient Request to Restrict Disclosures of Protected Health Information to an Insurer form

## **Legal Reference**

45 C.F.R. §164.522

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This version supersedes all NYU Langone Health (as defined in this Policy) previous policies, including but not limited to NYU Hospitals Center, New York University School of Medicine, Lutheran Medical Center, and Winthrop University Hospital.