

Operational Policy

Policy title:	HIPAA: Right to Request Alternative Communications		
Policy number:	ODHS OHA 100-007		
Original date:	07/22/2014 (OHA only)	Last update:	(Joint ODHS OHA) 01/24/2022
Approved:	Kris Kautz, OHA Deputy Director Don Erickson, ODHS Chief Administrative Officer		

Purpose

This policy Health Insurance Portability and Accountability Act (HIPAA) is one of a series that outlines Oregon Department of Human Services (ODHS) and Oregon Health Authority (OHA) expectations for the necessary collection, use, and disclosure of protected health information about individuals in order to provide services and benefits while maintaining reasonable safeguards to protect the privacy of their information.

ODHS|OHA staff should review all ODHS|OHA privacy policies to be sure they understand how these policies work together to protect individual privacy.

Description

This policy describes the right of individuals to protect their privacy by asking to receive information by alternate means or at alternate locations.

Applicability

This policy applies to all OHA staff (see OAR 943-014-0015) and ODHS staff working in Business Associate programs (see ODHS 100-013) including employees, volunteers, interns, and contractors. This definition of staff aligns with the HIPAA definition of workforce.

As keepers of the public trust, ODHS|OHA staff has a responsibility to comply with state and ODHS|OHA policies, administrative rule, and state and federal law. ODHS|OHA take this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Staff who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

Policy

1. Individuals have the right to request that ODHS|OHA send them information in a specific way that is different from where or how ODHS|OHA would send information normally. This can mean having information sent in a language other than English, by mail, email, fax, or telephone, or at an alternate location such as a secondary address.

- a. When asking to receive information in a different manner or at an alternate location the individual must give ODHS|OHA clear information about how or where the information should be provided.
 - b. The individual is not required to explain the basis for the request.
 - c. Federal or state statute or rule may prevent ODHS|OHA from communicating only by telephone; an individual may provide another alternative, such as an email or physical address.
2. An individual may ask to receive information in a different way or at an alternate location verbally, by completing form MSC 2101, or by submitting the request in another manner acceptable to ODHS|OHA.
 - a. If an individual makes a request verbally and in-person, ODHS|OHA shall document the request and ask for the individual's signature.
 - b. If an individual makes a request by telephone or electronically, ODHS|OHA shall document the request in the appropriate case note or file.
 3. ODHS|OHA shall comply with the Oregon Address Confidentiality Program at the request of the individual.
 4. ODHS|OHA shall notify the individual of the acceptance of the alternative communication request in a manner that is consistent with the request – at the alternate location or in the alternate format.
 5. ODHS|OHA may end the agreement to send information to an alternate location or through a different method of communication if:
 - a. The individual agrees to or requests termination of the alternate communication arrangements verbally or in writing. All such requests shall be documented in the appropriate case note or file.
 - b. ODHS|OHA is unable to contact the individual at the location or in the manner requested.
 - c. The individual has failed to respond to payment requests.
 6. If ODHS|OHA ends the agreement in compliance with this policy, ODHS|OHA shall inform the individual that the agreement is being ended and give ODHS|OHA's reason for making that decision.
 7. If ODHS|OHA policy conflicts with federal or state statute or rule, that statute or rule supersedes unless the ODHS|OHA policy provides more protection.

References

[45 CFR 160 General Administrative Requirements](#)

[45 CFR 164 Security and Privacy](#)

[ORS 646A.600 to 646A.628 Oregon Consumer Theft Protection Act](#)

[OAR 943-014-0015 Covered Entity Status for Purposes of the HIPAA Privacy Rules](#)

Forms

[MSC 2101 Special Handling for Confidential Communications](#)

Policies

[DHS 100-003 Uses and Disclosures of Individual Information](#)

Contact

Information Security and Privacy Office (ISPO)

Phone: 503-945-5780 (Privacy)

dhs.privacyhelp@dhs.oha.state.or.us

U. S. Department of Health and Human Services, Office for Civil Rights
Medical Privacy, Complaint Division
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Phone: 866-627-7748
TTY: 886-788-4989
Email: <mailto:OCRComplaint@hhs.gov>

Policy History

Version 1.0 OHA 100-001 established 09/20/2013
Version 2.0 Reviewed 10/03/2016
Version 3.0 ODHS|OHA 100-007 established 01/24/2022

Keywords

Alternate communications, confidentiality, format, Health Insurance Portability and Accountability Act, HIPAA, Oregon Address Confidentiality Program, ADCP, privacy, protected health information, safeguard

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