PURPOSE OF POLICY

This policy addresses an enrollee’s right to request restrictions regarding the use and disclosure of Protected Health Information (PHI) by the Division of TennCare (TennCare). This right is required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

POLICY

TennCare shall timely respond to an enrollee’s request for restrictions on the use or disclosure of his or her Protected Health Information in TennCare’s designated record set. TennCare will provide enrollees with all the privacy rights granted by HIPAA and by any state and federal regulations.

DISCUSSION & LEGAL BASIS

An enrollee has the right to request restrictions on our use and disclosure of his or her PHI for treatment, payment or health care operations and to persons involved in enrollee’s care such as a family member or personal representatives. TennCare does not have to grant such requests. TennCare will not grant requests for restrictions on payment or health care operations.

If TennCare does grant such a request, it must abide by the restriction until the enrollee revokes that request or it advises the enrollee in writing that TennCare will no longer honor that request. TennCare will receive requests for other restrictions on the use and disclosure of PHI, but will permit restrictions at its discretion.

PROCEDURES
1. Written requests for restriction will be processed by the TennCare Privacy Office. The request is submitted to:

   TennCare Privacy Office  
   Office of General Counsel  
   310 Great Circle Road  
   Nashville, TN 37243

2. TennCare will notify the enrollee in writing within 30 days if the request is agreed to or denied.

3. If TennCare agrees to the request, the restriction is documented upon its completion by the appropriate TennCare department.

4. The agreement ends if the enrollee revokes the request or we inform the enrollee we will no longer honor that request.

DEFINITIONS

**Designated Record Set**: Medical records, financial records, health plan and other information used to make decisions about an individual.

**Enrollee**: means an individual applying or currently enrolled in any category of State of Tennessee’s Medicaid program (TennCare) and Children’s Health Insurance Program (CHIP, known as CoverKids in Tennessee), or in any Tennessee federal Medicaid waiver program approved pursuant to Sections 1115 or 1915 of the Social Security Act; and, for purposes of the TennCare Privacy policies, the term may also be used to reference one who was previously an enrollee during a period for which there is a privacy request or compliance inquiry.

**HIPAA**: means Health Insurance Portability and Accountability Act of 1996 and for which administrative simplification, privacy, and security regulations are codified at 45 CFR §§ 160-164.

**Personal Representative**: means an individual or entity legally authorized to act on behalf of the individual enrollee.

**Protected Health Information (PHI)**: means information about an individual’s health and medical history. It can also include non-medical facts like address, or date of birth, which identify an individual.

OFFICE OF PRIMARY RESPONSIBILITY
TennCare Privacy Office, Office of General Counsel

RELATED FORMS

Enrollee request to restrict use and disclosure of PHI

AUTHORITY

45 C.F.R. 165.522(a)